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FILE NO. 110549 ORDINANCE NO. 151-11

[Park Code – Harding Park and Fleming Golf Courses Fees]

Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110549 and is incorporated herein by reference.

Section 2. The San Francisco Park Code is hereby amended by amending Section 12.12, to read as follows:

SEC. 12.12. FEES AT HARDING PARK AND FLEMING GOLF COURSES.

(a) **Greens Fees.** The Recreation and Park Commission (the "Commission") is hereby authorized to charge greens fees at Harding Park and Fleming Golf Courses (collectively, the "Golf Courses") in the manner and in conformance with the standards set forth herein.

1. Greens fees shall be set at such levels to cumulatively generate an average minimum of $4,278,000.00 annual revenues in 2002 dollars ("Target Revenues") at the Golf

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Courses in the first five fiscal years of operation following reopening of the Golf Courses after renovation ("Years 1—5") (and subject thereafter to annual increases in the amount of increases in the applicable Consumer Price Index as described in Section 12.12(e) below), which amount shall be prorated if the Golf Courses reopen with less than a full fiscal year remaining in Year 1. In setting greens fees to achieve the Target Revenues, it shall be assumed that legal residents of the City and County of San Francisco who hold current and valid cards issued for a fee by the Recreation and Park Department (the "Department") identifying them as residents of the City ("Residents") shall play at least 50% of funds at Harding Park Golf Course, and no more than an average of 76,560 rounds shall be played each full year at Harding Park Golf Course during Years 1—5 and no more than 64,600 rounds each full year at Fleming Golf Course during Years 1—5.

2. **Optional Discounts.** Greens fees at Harding Park Golf Course may be discounted for weekday rounds played by either Residents or non-residents, for weekday or weekend rounds played by Resident junior or senior golfers, and for twilight rounds played by either Residents or non-residents. The Commission also may establish discounted greens fees for playing only the back nine holes at Harding Park Golf Course. Greens fees may be discounted for certain non-residents who live within close geographic proximity to the Golf Courses or who play with Residents ("Northern California Residents"). If the Commission approves a discounted rate for Northern California Residents, the Commission shall set standards defining who shall qualify for such discounted rate and shall limit the number of rounds at that discounted rate.

3. **Optional Premium Rates.** In exchange for advance reserved tee times, non-residents may be charged premium rates at Harding Park Golf Course.

4. **Caps.** Regardless of any discounts for certain subcategories of play, the average cost per round of Resident greens fees at Harding Park Golf Course across any and all

subcategories of Resident play (weekday, weekend, senior and junior) fees shall not exceed $28 in Year 1. The average cost per round of non-resident greens fees at Harding Park Golf Course across any and all subcategories of non-resident play (weekday, weekend, preferred and Bay Area Resident) shall not exceed $88 in Year 1. The average cost per round of Resident greens fees at Fleming Golf Course across any and all subcategories of Resident play (weekday, weekend, senior and junior) shall not exceed $13 in Year 1. The average cost per round of non-resident greens fees at Fleming Golf Course across any and all subcategories of non-resident play (weekday and weekend) shall not exceed $20 in Year 1.

5. **Miscellaneous.** Applicable weekend greens fee rates shall be charged on Fridays, Saturdays and Sundays and legal holidays. Applicable weekday rates apply on all other days. Greens fees per tournament player for playing in tournaments, which are defined as a block of tee time(s) set aside for any group of 16 or more golfers, shall exceed the highest greens fee that would be charged to Residents playing on the same day of any tournament. Discount Resident greens fees shall not apply to tournament play by Residents. Weekend tournament greens fees shall be greater than greens fees charged for weekday tournaments.

(b) **Commission to Select Final Rate Structure; Citizens Advisory Committee.** The Commission shall select a final greens fees structure which meets the parameters set forth in this Section. The Commission shall appoint a Citizens Advisory Committee consisting of five (5) members to recommend to the Commission a greens fees structure for the Golf Courses chosen from one of the models described below or that otherwise meets the criteria set forth herein. The Commission shall take the committee's recommendation into consideration in reaching a final decision regarding a fee structure for the Golf Courses.

(c) Notwithstanding the foregoing subsections (a) and (b), effective September 1, 2006, the following fees shall be charged at Harding Golf Course:

(1) Weekday (Mon.~~—Thurs.~~*Fri., 12:00 PM*)

	Standard	No. Cal. Resident*	S.F. Resident
	$150.00	$89.00	$46.00
Off-season/Aerification**	$139.00	$79.00	
Twilight	$120.00	$69.00	$35.00
Super Twilight (5 p.m.)		$45.00	

(2) Weekend (Fri., *12:00 PM*—Sun.)

	Standard	No. Cal. Resident*	S.F. Resident
	$170.00	$99.00	$59.00
Off-season/Aerification**	$150.00	$89.00	
Twilight	$140.00	$79.00	$44.00
Super Twilight (5. p.m.)		$55.00	

(3) Junior

Weekday *(Mon.—Fri., 12:00 PM)*	Weekend *(Fri., 12:00 PM—Sun.)*
$15.00	$20.00

(4) S.F. Resident Senior

Weekday *(Mon.—Fri., 12:00 PM)*	Weekend *(Fri., 12:00 PM—Sun.)*
$31.00	$59.00

(5) Tournament

	Weekday *(Mon.—Fri., 12:00*	Weekend *(Fri., 12:00 PM—*

	PM)	*Sun.)*
	$115.00+	$135.00+
Off-season/Aerification**	$100.00+	$115.00+

(6) Shotgun Tournament (120 players or more)—Tournament Rate plus per player:

$10.00—Weekday/per player

$15.00—Weekend/per player

(7) Accompanying Rider Rate (Non-Golfers): $25.00.

+ Includes cart

*The Northern California is comprised of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Del Norte, Siskyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Plumas, Tehama, Mendocino, Lake, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Napa, Yolo, Sacramento, El Dorado, San Joaquin, Amador, Alpine, Calveras, Stanislaus, Toulumne, Mariposa, Monterey, San Benito, Merced, Fresno and Tulare Counties.

**Off-season is from December 1 to the last day of February/Aerification is from the first day that major greens aerification starts until 7 days after completion.

***Super Twilight tee times change seasonally as established by the Recreation and Park Commission.

(d) Notwithstanding the foregoing subsections (a) and (b), effective Fiscal Year 2005-2006, the following fees shall be charged at Fleming Golf Course:

(1) Weekday (Mon.—~~*Thurs.*~~ *Fri., 12:00 PM*)

Standard	S.F. Resident
$25.00	$20.00

(2) Weekend (Fri., *12:00 PM*—Sun.)

Standard	S.F. Resident
$30.00	$22.00

(3) Junior

Weekday (Mon.~~—Thurs.~~ *Fri., 12:00 PM*)	Weekend (Fri., *12:00 PM*—Sun.)
$10.00	$13.00

(4) S.F. Resident Senior

Weekday (Mon.~~—Thurs.~~ *Fri., 12:00 PM*)	Weekend (Fri., *12:00 PM*—Sun.)
$14.00	$19.00

(5) Tournament

Weekday (Mon.~~—Thurs.~~ *Fri., 12:00 PM*)	Weekend (Fri., *12:00 PM*—Sun.)
$30.00	$41.00

(6) Replay

Weekday (Mon.~~—Thurs.~~ *Fri., 12:00 PM*)	Weekend (Fri., *12:00 PM*—Sun.)
$11.00	$11.00

(f) Other Fees and Charges. The Commission shall set the following fees charged at the Golf Courses: fees for motorized ~~*and pull*~~ cart usage, tournament fees, charges for driving range usage, reservation fees and cancellation fees, at levels comparable to those charged at Golf Courses of similar quality in the greater San Francisco Bay Area. The Commission may also approve special promotions not to exceed a ~~*20*~~ *25* percent discount of the applicable rate; *and increases of up to 50 percent for non San Francisco resident and tournament fees.*

(g) Annual Increases. Upon the first day following the end of Year 1, regardless of whether Year 1 consisted of a full fiscal year or only a part thereof, and upon the first day of each fiscal year thereafter, greens fees for Residents at the Golf Courses may, with the approval of the Commission, be adjusted in the following manner: Each fee shall be multiplied by a fraction, the numerator of which is the Consumer Price Index for All Urban Consumers (base years 1982—1984 = 100) for the San Francisco-Oakland-San Jose area, published monthly by the United States Department of Labor, Bureau of Labor Statistics (the "Index"), for the quarter immediately preceding the start of the fiscal year during which the increase will be effective (the "Adjustment Index") minus the Index for the June of the preceding year (the "Base Index") and the denominator of which is the Base Index. The product of this calculation shall be added to the current fee to obtain the increased fee which shall thereafter be payable, except that in no instance shall the fee be less than that in effect immediately prior to this calculation. Or, fees may be increased up to $1.00 upon approval of the Commission.

All fees and other charges at the Golf Courses may, but are not required to, be increased upon approval by the Commission at the same time and in the same manner as greens fees increases, except that the non-S.F. resident and tournament greens fees may be increased by up to two times the fraction produced in the above illustrated calculation (i.e., up to twice the increase in the applicable Consumer Price Index.), or up to $1.00, whichever is greater.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110549 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110549

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110550 ORDINANCE NO. 152-11

[Park Code – Lincoln Park Golf Fees]

Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110550 and is incorporated herein by reference.

Section 2. The San Francisco Park Code is hereby amended by amending Section 12.14, to read as follows:

SEC. 12.13. GOLF FEES—LINCOLN PARK.

The following use fees shall be charged for golfing at Lincoln Park. *Weekday hours are Monday through Friday, 12:00 PM. Weekend hours are Friday, 12:00 PM through Sunday.*

Category	**Amount**
Resident with card, weekday	$19.00
Resident with card, weekend	23.00

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Non-resident, weekday	30.00
Non-resident, weekend	34.00
Senior, weekday	11.00
Senior, weekend	18.00
Junior, weekday	9.00
Junior, weekend	18.00
Junior, non-resident, weekday	*19.00*
Junior, non-resident, weekend	*21.00*
Student	no fee
Tournament, ~~(weekdays)~~	36.00
Tournament, ~~(weekends)~~	44.00
Twilight, weekdays	18.00
Twilight, weekends	22.00
Back nine, weekdays	10.00
Back nine, weekends	14.00

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110550 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110550

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110551 ORDINANCE NO. 153-11

[Park Code - Sharp Park Golf Fees]

Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110551 and is incorporated herein by reference.

Section 2. The San Francisco Park Code is hereby amended by amending Section 12.14, to read as follows:

SEC. 12.14. GOLF FEES—SHARP PARK.

The following use fees shall be charged for golfing at Sharp Park: *Weekday hours are Monday through Friday, 12:00 P.M. Weekend hours are Friday, 12:00 P.M through Sunday.*

Category	Amount
Resident with card, weekday	$19.00
Resident with card, weekend	23.00

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Non-resident, weekday	30.00
Non-resident, weekend	34.00
Senior, weekday	11.00
Senior, weekend	18.00
Junior, weekday	*9.00*
Junior, weekend	*18.00*
Junior, non-resident, weekday	*19.00*
Junior, non-resident, weekend	*21.00*
Student	no fee
Tournament, ~~(~~weekday~~s)~~	36.00
Tournament, ~~(~~weekend~~s)~~	44.00
Twilight, weekday~~s~~	18.00
Twilight, weekend~~s~~	22.00
Back nine, weekday~~s~~	10.00
Back nine, weekend~~s~~	14.00

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110551 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110551

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110552 ORDINANCE NO. 154-11

[Park Code - Golden Gate Park Golf Fees]

Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110552 and is incorporated herein by reference.

Section 2. The San Francisco Park Code is hereby amended by amending Section 12.14, to read as follows:

SEC. 12.16. GOLF FEES—GOLDEN GATE PARK.

The following use fees shall be charged for golfing at Golden Gate Park. *Weekday hours are Monday through Friday, 12:00 PM. Weekend hours are Friday, 12:00 PM through Sunday.*

Category	Amount
Resident with card, weekday	$10.00
Resident with card, weekend	12.00

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Non-resident, weekday	13.00
Non-resident, weekend	17.00
Senior, weekday	7.00
Senior, weekend	9.00
Junior, weekday	4.00
Junior, weekend	6.00
Junior, non-resident, weekday	*8.00*
Junior, non-resident, weekend	*10.00*
Student	no fee
Tournament, ~~(~~weekday~~s)~~	16.00
Tournament, ~~(~~weekend~~s)~~	24.00
Twilight, weekday~~s~~	7.00
Twilight, weekend~~s~~	8.00

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110552 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110552

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110706 ORDINANCE NO. 155-11

[Administrative Code - Fee Update]

Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department is able to recover the cost of long range planning through its building permit review, CEQA (California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.) review, and land use entitlement fees.

(b) The current fee structure is set to recover a portion of long range planning cost through said fees, but the cost of long range planning, which includes historic preservation survey and designation work, in increasing beyond the annual cost of living adjustment.

(c) It is in the public interest for the private project sponsor to reimburse the City for the benefit he or she derives as a consequence of public supported planning.

(d) Environmental Finding. The Planning Department has determined that the proposed fee adjustments are statutorily excluded from CEQA under the CEQA Guidelines Section 15273(a), which exempts rates, tolls, fares and charges such as those proposed here. Said determination is on file with the Clerk of the Board of Supervisors in File No. 110706 and is incorporated herein by reference.

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Section 2. The San Francisco Administrative Code is hereby amended by amending Sections 31.22 to read as follows:

SEC. 31.22 BASIC FEES.

(a) The Planning Department shall charge the following basic fees to applicants for projects located outside of recently adopted Plan Areas (adopted after July 1, 2005) that do not require one or more of the following, which will be initiated through the adoption of an Area Plan: Code amendments for the height or bulk district and General Plan amendments, as specified in Section 31.21 above:

(1) For an initial study of a project excluding use of special expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

Where the total estimated construction cost as defined by the San Francisco Building Code is between $0 and $9,999: $~~1,070~~1,092;

Where said total estimated construction cost is $10,000 or more, but less than $200,000: $4,249~~4163~~ PLUS ~~2.024~~2.066% of the cost over $10,000;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $8,251~~8,084~~ PLUS ~~1.530~~1.562 % of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $20,987~~20,561~~ PLUS ~~1.284~~1.311% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $141,220~~138,356~~ PLUS ~~0.396~~0.404% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $ 223,531~~218,998~~ PLUS ~~0.149~~0.152% of the cost over $30,000,000;

Where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000: $254,453~~249,293~~ PLUS ~~0.036~~0.037% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $*272,962*~~*267,426*~~ PLUS 0.016% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(2) For preparation of an environmental impact report excluding use of special expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

Where the total estimated construction cost as defined in the San Francisco Building Code is between $0 to $199,999: $*24,255*~~*23,763*~~;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $*24,255*~~*23,763*~~ PLUS ~~*0.584*~~*0.596*% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $*29,248*~~*28,655*~~ PLUS ~~*0.396*~~*0.404*% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $*66,289*~~*64,945*~~ PLUS *0.165*~~*0.162*~~% of the cost over $10,000,000;

Where said total construction cost is $30,000,000 or more, but less than $50,000,000: $*100,041*~~*98,012*~~ PLUS *0.045*~~*0.044*~~% of the cost over $30,000,000;

Where said total construction cost is $50,000,000 or more, but less than $100,000,000: $*109,240*~~*107,025*~~ PLUS *0.045*~~*0.044*~~% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $*132,433*~~*129,747*~~ PLUS 0.016% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant

proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(3) For an appeal to the Planning Commission: The fee shall be $500.00 to the appellant; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for 24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood organization notification list, and (c) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. An exemption from paying this appeal fee may be granted when the requestor's income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Planning Director or his/her designee that they are substantially affected by the proposed project.

(4) For an appeal to the Board of Supervisors of environmental determinations, including the certification of an EIR, a negative declaration, or determination of a categorical exemption, the fee shall be $500.00 to the appellant; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for 24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood organization notification list, and (c) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Fees shall be used to defray the cost of appeal for the Planning Department. Such fee shall be refunded to the appellant in the event the Planning Department rescinds its determination or the Board of Supervisors remands or rejects the environmental impact report, negative declaration, or determination of a categorical exemption to the Planning Commission for revisions based on issues related to the adequacy and accuracy of the environmental determination. An

exemption from paying this appeal fee may be granted when the requestor's income is not enough to pay for the fee without affecting their ability to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Clerk of the Board of Supervisors or his/her designee that they are substantially affected by the proposed project.

(5) For preparation of an addendum to an environmental impact report that has previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: or reevaluation of a modified project for which a negative declaration has been prepared: $*22,844*~~22,381~~ plus time and materials as set forth in Subsection (b)(2).

(6) For preparation of a supplement to a draft or certified final environmental impact report: One-half of the fee that would be required for a full environmental impact report on the same project, as set forth in Paragraph (2) above, plus time and materials as set forth in Subsection (b)(2).

(7) (a) For preparation of a Certificate of Exemption from Environmental Review determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical, an emergency, or a planning and feasibility study: $*291*~~285~~ for applications that require only a stamp, $*5,697*~~5,581~~ as an initial fee for applications that require an Exemption Certificate, plus time and materials as set forth in Subsection (b)(2).

(7) (b) For preparation of a Class 32 Certificate of Exemption from Environmental Review determining that a project is categorically exempt, the initial fee shall be:

Where the total estimated construction cost as defined by the San Francisco Building Code is between $0 and $9,999: $*10,476*~~10,264~~;

Where said total estimated construction cost is $10,000 or more, but less than $200,000: $*10,476*~~10,264~~ +PLUS *0.182*~~0.178~~% of the cost over $10,000;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $*10,822*~~10,602~~ PLUS *0.172*~~0.169~~% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $*12,201~~11,954~~* PLUS *0.053~~0.052~~*% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more: $*16,978 ~~16,634~~* PLUS *0.386 ~~0.378~~*% of the cost over $10,000,000.

(8) For preparation of an exemption that requires review of historical resource issues only, the following fees apply. For a determination of whether a property is an historical resource under CEQA, the fee is $*2,387~~2,339~~*. For a determination of whether a project would result in a substantial adverse change in the significance of an historical resource, the fee is $*3,310~~3,243~~*.

(9) For preparation of a letter of exemption from environmental review: $*291~~285~~*, plus time and materials as set forth in Subsection (b)(2).

(10) For review of a categorical exemption prepared by another City Agency, such as the Municipal Transportation Agency or the Public Utilities Commission: $*245~~240~~*, plus time and materials as set forth in Subsection (b)(2).

(11) For reactivating an application that the Environmental Review Officer has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Environmental Review Officer and within six months of the date the application was deemed withdrawn: $*237~~232~~* plus time and materials to cover any additional staff costs.

(12) Monitoring Conditions of Approval and Mitigation Monitoring: Upon adoption of conditions of approval and/or mitigation measures which the Environmental Review Officer determines require active monitoring, the fee shall be $*1,153~~1,130~~*, as an initial fee, plus time and materials as set forth in Section 31.22(b)(2).

(b) Payment.

(1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department at the time of the filing of the environmental evaluation application, and where an

environmental impact report is determined to be required, the fee specified in Subsection (a)(2) shall be paid at the time the Notice of Preparation is prepared, except as specified below. However, the Director of Planning or his/her designee may authorize phased collection of the fee for a project whose work is projected to span more than one fiscal year. A nonrefundable processing fee of $*5352* ~~5352~~ is required to set-up any installment payment plan for all application fees. The balance of phased payments must be paid in full one week in advance of the first scheduled public hearing before the Planning Commission in consider the project or before any Environmental Impact report is published.

(2) The Planning Department shall charge the applicant for any time and material costs incurred in excess of the initial fee charged if required to recover the Department's costs for providing services. Provided, however, that where a different limitation on time and materials is set forth elsewhere in this section, then that limitation shall prevail.

(3) The Controller will annually adjust the fee amounts specified in Section 31.22(a)(1), (2), (5), (7), (8), (9), (10) , ~~and~~ (11), *and (12), Section 31.22(b)(1) and (6), and* Section 31.22(c), Section 31.23(d) and Section 31.23.1(a) and (b) by the two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA).

(4) Any fraternal, charitable, benevolent or any other nonprofit organization, that is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other nonprofit organization, or public entity that submits an application for the development of residential units or dwellings all of which are affordable to low and moderate income households, as defined by the United State Housing and Urban Development Department, for a time period that is consistent with the policy of the Mayor's Office of Housing and the San Francisco Redevelopment Agency may defer payment of the fees specified herein, with the

exception of the fees payable pursuant to Section 31.22(a)(3) and (4) and Section 31.22(a)(11) herein, until the time of issuance of the building permit, before the building permit is released to the applicant; or (2) within one year of the date of completion of the environmental review document, whichever is sooner. This exemption shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses.

(5) An exemption from paying the full fees set forth in Section 31.22(a)(3) and (4) herein may be granted when the requestor's income is not enough to pay the fee without affecting his or her ability to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Director of Planning or his/her designee that he or she is substantially affected by the proposed project.

(6) Exceptions to the payment provisions noted above may be made when the Director of Planning or his/her designee has authorized phased collection of the fee for a project whose work is projected to span more than one fiscal year. A nonrefundable processing fee of $*5352* is required to set-up any installment payment plan for all application fees. The balance of phased payments must be paid in full one week in advance of the first scheduled public hearing before the Planning Commission to consider the project or before any Environmental Impact report is published.

(c) Refunds. When a request for an initial evaluation or for preparation of an environmental impact report is (1) either withdrawn by the applicant prior to publication of an environmental document or (2) deemed canceled by the Planning Department due to inactivity on the part of the applicant, then the applicant shall be entitled to a refund of the fees paid to the Department less the time and materials expended minus a $*436427* processing fee. Refund requests must be submitted within six months of the project closure date.

(d) Late Charges and Collection of Overdue Accounts. The Director or his/her designee shall call upon the Bureau of Delinquent Revenues or duly licensed collection agencies for assistance in collecting delinquent accounts more than 60 days in arrears, in which case any additional costs of collection may be added to the fee amount outstanding. If the Department seeks the assistance of a duly licensed collection agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et seq. will be applicable.

(e) These amendments to fees related to the Planning Department are intended to provide revenues for the staffing and other support necessary to provide more timely processing of applications within that Department.

Section 3: The San Francisco Administrative Code is hereby amended by amending Section 31.23 to read as follows:

SEC. 31.23 OTHER FEES.

(a) Where an initial evaluation or preparation of an environmental impact report and related environmental studies require the use of special expertise or technical assistance not provided by the board, commission, department or other person who is to carry out the project, such expertise or assistance shall be paid for by such board, commission, department or other person. This payment shall be made either to the Planning Department or, if the Planning Department so requests, directly to the party that will provide such expertise or technical assistance.

(b) Where outside consultants are used for such purposes, and the project is to be directly carried out by a person other than a board, commission or department of the City, such consultants shall report their findings directly to the Planning Department.

(c) Where employees of the City are used for such purposes, the costs of such employees shall be paid to the board, commission or department providing such employees.

(d) In addition to any filing fees required by statute, the County Clerk shall collect a documentary handling fee in the amount of $*3332* for each filing made pursuant to California Fish and Game Code Section 711.4, Subdivision (d).

Section 4. The San Francisco Administrative Code is hereby amended by amending Section 31.23.1, to read as follows:

SEC. 31.23.1 Community Plan Fees.

(a) The Planning Department shall charge the following Community Plan Fees for environmental applications filed in adopted Plan Areas effective after July 1, 2005:

(1) For Class 1 and 3 Exemptions: same as basic fees outlined in Section 31.22(a)(8) and (10).

(2) For determination of the appropriate environmental document: $*12,720*~~12,462~~ and any fee pursuant to Section 31.23.1(c) below. In addition, the applicant shall pay the following fees as appropriate:

(i) If the determination is that the project qualifies for a Community exemption or exclusion, the applicant shall pay a fee of $*6,950*~~6,809~~.

(ii) If the determination is that the project does not qualify for a Community exemption or exclusion, the applicant shall pay fees as set forth in Section 31.23.1(b) below.

(b) The fees for projects determined not to qualify for a Community exemption or exclusion are as follows:

(1) For an initial study excluding use of special expertise or technical assistance, as described in Section 31.22 above, the initial fee shall be:

Where the total estimated construction cost as defined by the San Francisco Building Code is between $0 and $9,999: $*1,360*~~1,332~~;

Where said total estimated construction cost is $10,000 or more, but less than $200,000: $*5,651~~5,536~~* PLUS *2.571~~2.519~~*% of the cost over $10,000;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $*10,631~~10,415~~* PLUS *1.943~~1.904~~*% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $*26,478~~25,941~~* PLUS *1.630~~1.597~~*% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $*176,062~~172,491~~* PLUS *0.502~~0.492~~*% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $*278,494~~272,846~~* PLUS *0.189~~0.185~~*% of the cost over $30,000,000;

Where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000: $*317,077~~310,647~~* PLUS *0.045~~0.044~~*% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $*340,044~~333,148~~* PLUS 0.019% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(2) For preparation of an environmental impact report excluding use of special expertise or technical assistance, as described in Section 31.23 above, the initial fee shall be:

Where the total estimated construction cost as defined in the San Francisco Building Code is between $0 to $199,999: $*30,185~~29,573~~*;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $*30,185~~29,573~~* PLUS *0.741~~0.726~~*% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $*36,401*~~*35,663*~~ PLUS *0.502*~~*0.492*~~% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $*82,495*~~*80,822*~~ PLUS *0.206*~~*0.202*~~% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $*124,524*~~*121,999*~~ PLUS *0.056*~~*0.055*~~% of the cost over $30,000,000;

Where said total construction cost is $50,000,000 or more, but less than $100,000,000: $*136,065*~~*133,306*~~ PLUS *0.056*~~*0.055*~~% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $*164,918*~~*161,573*~~ PLUS 0.019% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(3) For the preparation of a focused Environmental Impact Report: one-half the fee that would be required for a full environmental impact report, as set forth in Paragraph (b)(2) above, plus time and materials.

(4) The fees above listed in Section 31.24(b) will sunset 20 years after the effective date of Plan Adoption.

(c) The Planning Department shall recover the cost of preparing and defending programmatic EIRs, including consultant and City Attorney costs, from project sponsors that file or have filed projects in recently adopted Plan Areas (after July 1, 2005) and filed projects within 10 years of the Programmatic EIR certification.

The fee shall be a proportional share of the cost of the Programmatic EIR, which is equal to the Department's average time and material costs to prepare and defend a Programmatic EIR divided by the buildable envelope times the square footage of the proposed project.

(d) Except as provided below for projects in the Transit Center District area, if at the time of Community Plan adoption, a project application undergoing review required amendments for height or bulk districts or General Plan amendments and now complies with the Community Plan Zoning, the applicant may choose to pay either the fees specified in Section 31.22 or Section 31.23.1. For projects that paid fees under Section 31.22 and opt to pay fees under Section 31.23.1, the applicant shall withdraw the application filed under Section 31.22 and file a new application. Applicants that file a new application and pay the Section 31.23.1 fees shall be entitled to a refund under Section 31.22(c).

(i) Transit Center District Plan. Projects in the Transit Center District area that require amendments for height or bulk district or General Plan amendments at the time of project application shall pay the fees specified in Administrative Code Section 31.23.1(b) and 31.23.1(c). For projects that paid fees under Section 31.22, the applicant shall pay the difference between Section 31.22 fees and Section 31.23.1(b) and 31.23.1(c) fees.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Marlena G. Byrne
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110706 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.

June 27, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110706

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110707 ORDINANCE NO. 156-11

[Planning Code - Fee Update]

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index (CPI) and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department is able to recover the cost of long range planning through its building permit review, CEQA (California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.) review, and land use entitlement fees.

(b) The current fee structure is set to recover a portion of long range planning cost through such fees, but the cost of long range planning, which includes historic preservation survey and designation work, is increasing beyond the annual cost of living adjustment.

(c) It is in the public interest for the private project sponsor to reimburse the City for the benefit he or she derives as a consequence of public supported planning. This Board of Supervisors finds that this Ordinance is consistent with the General Plan and Priority Policies of Section 101.1(b) of the Planning Code for the reasons set forth in the Planning Commission Resolution No. 18361 and incorporates said Resolution herein by reference. A

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copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 110707. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 18361 and incorporates said Resolution herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 110707.

(d) Environmental Finding. The Planning Department has determined that the proposed fee adjustments are statutorily excluded from CEQA under the CEQA Guidelines Section 15273(a), which exempts rates, tolls, fares and charges such as those proposed here. Said determination is on file with the Clerk of the Board of Supervisors in File No. 110707 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 350, to read as follows:

Sec. 350. FEES, GENERAL.

Fees shall be imposed in order to compensate the Planning Department for the cost of processing applications and for the development and revision of land use controls. Fees shall be charged and collected as indicated for each class of application, permit, filing request or activity listed in Sections 351 through 358 below.

(a) Estimated construction costs are as defined by the San Francisco Building Code.

(b) All fees are payable at time of filing application or request, except where noted otherwise. However, the Director of Planning or his/her designee may authorize phased collection of the fee for a project whose work is projected to span more than one fiscal year. A nonrefundable processing fee of $~~52~~ 53 is required to set-up any installment payment plan for

all application fees. The balance of phased payments must be paid in full one week in advance of the first scheduled public hearing before the Planning Commission to consider the project or before issuance of the first site permit if no hearing is required.

(c) Time and Materials. The Planning Department shall charge the applicant for any time and materials cost incurred in excess of the initial fee charged if required to recover the Department's costs for providing services.

(1) The Department shall charge time and materials to recover the cost of correcting code violations and violations of Planning Commission and Department conditions of approval of use if such costs are not covered by the monitoring fee for conditions of approval specified in Section 351(e)(1).

(2) Where a different limitation on time and material charges is set forth elsewhere in this Article, that limitation shall prevail.

(3) The Planning Department may also charge for any time and material costs incurred by other departments or agencies of the City and County of San Francisco.

(4) Any balance of time and materials costs for active and open projects must be paid in full one week in advance of a scheduled public hearing before the Planning Commission to consider the project or before issuance of the first site permit if no hearing is required.

(d) Refunds. When an application is withdrawn by the applicant prior to a public hearing, or deemed canceled by the Planning Department due to inactivity on the part of the applicant, then the applicant shall be entitled to a refund of the fee paid to the Department less the time and materials expended minus a $~~427~~ *436* processing fee. Refund requests must be submitted within six months of the project closure date.

(e) Deferred or Reduced Fee.

(1) Any fraternal, charitable, benevolent or any other nonprofit organization, that is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other nonprofit organization, or public entity that submits an application for the development of residential units all of which are affordable to low and moderate income households, as defined by the United States Housing and Urban Development Department, for a time period that is consistent with the policy of the Mayor's Office of Housing and the San Francisco Redevelopment Agency, may defer payment of the fees except those under 352(d) and 352(n) until (1) before final Planning Department approval of the building permit, preparatory to issuance of the building permit, before the building permit is released to the applicant, or (2) within one year of the date of action on the application, whichever comes first. This exemption shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses. Should the project be withdrawn prior to final Planning approval, the applicant shall pay time and material costs pursuant to Section 350(c).

(2) An exemption from paying the full fees specified under Section 352(d) and 352(n) may be granted when the requestor's income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Planning Director or his/her designee that they are substantially affected by the proposed project.

(f) Late Payment.

(1) Charges and Collection of Overdue Accounts. The Director or his/her designee shall call upon the Bureau of Delinquent Revenues or duly licensed collection agencies for assistance in collecting delinquent accounts more than 60 days in arrears, in which case any additional costs of collection may be added to the fee amount outstanding. If the Department

seeks the assistance of a duly licensed collection agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et seq. will be applicable.

(g) Fee Adjustments.

(1) The Controller will annually adjust the fee amounts specified in Section 351(d), (e), (f), (g), (h), (i) and Section 352(b), (d), (e), (g), (i), (j), (k), (l), (m), and Section 353(a), (c), (d), and Section 355(a), (2), (3), (4), (5), (6), (7)(b), (c), (d), (e), and Section 356(c), (d), (e), and Section 357 and Section 358(a), (b), (c), (d) by the two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA).

Section 3. The San Francisco Planning Code is hereby amended by amending Section 351 to read as follows:

SEC. 351. - MISCELLANEOUS SERVICES.

(a) Agendas for Planning Commission: $~~37~~38.00 annual subscription to cover costs of mailing. The Planning Director or his/her designee may authorize exemptions in those instances where costs would impose financial hardship.

(b) Agendas for Historic Preservation Commission: $~~37~~38.00 annual subscription to cover costs of mailing. The Planning Director or his/her designee, may authorize exemption in those instances where costs would impose financial hardship.

(c) Document Retrieval: Files stored on-site - actual costs for printing file(s), Files stored off-site: - actual costs for retrieval, printing and return of files, as specified in a retrieval schedule prepared by Director of Planning, or his/her designee.

(d) Information, Analysis, Report Preparation and Presentation, Research Services, Data Requests: The costs of report preparation may be amortized by factoring full-cost recovery into the pricing of such information and reports: $~~245~~250.00 as an initial fee.

(e) Monitoring Projects:

(1) Monitoring Conditions of Approval: Upon adoption of conditions of approval which the Zoning Administrator determines require active monitoring, the fee shall be $~~1,130~~1,153.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(f) Project Review for Policy and Code Review and Interpretation for Prospective Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and Code-Complying Massing Recommendations and Department facilitated pre-application meetings: $~~368~~376.00 for new construction and modifications to 5 or fewer dwelling units and for affordable housing projects as defined in the Guidelines of the United States Housing and Urban Development Department, and $~~871~~889.00 for all other projects and Department facilitated pre-application meetings.

(g)(1) Project Notifications for an Individual Requesting Notification of Project Applications:

(A) First Address or First Assessor's Lot: $~~32~~33.00 per annum.

(B) Additional Addresses: $13.00 for addresses in each new Assessor's Lot thereafter, per annum.

(2) Project Notifications for a Neighborhood Organization, defined as (i) having been in existence for 24 months prior to the request, and (ii) is listed on the Planning Department's neighborhood organization notification list, requesting Notification of Project Applications:

(A) First Address or First Assessor's Block: $~~32~~33.00 per annum.

(B) Additional Addresses: $13.00 for addresses in each new Assessor's Block thereafter, per annum.

(h) Zoning Administrator Written Determinations Pursuant to Section 307(a): $~~122~~125.00 for zoning letters of conformance, $~~552~~563.00 for other written determinations.

(i) Reactivating an application that the Zoning Administrator has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Zoning Administrator and within six months of the date the application was deemed withdrawn: $~~232~~237.00

Section 4. The San Francisco Planning Code is hereby amended by amending Section 352 to read as follows:

SEC. 352. - COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304). *The initial fee amount is not to exceed 50% of the construction cost.*

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	$~~1,800~~1,837.00
No construction cost, extension of hours	~~1,286~~1,313.00
Wireless Telecommunications Services (WTS)	$~~4,500~~4,593.00
Estimated Construction Cost	Initial Fee
$1.00 to $9,999.00	$~~1,286~~1,313.00
$10,000.00 to $999,999.00	$~~1,286~~1,313.00 plus 0.~~583~~595% of cost over $10,000.00
$1,000,000.00 to $4,999,999.00	$~~7,171~~7,319.00 plus 0.~~695~~709% of cost over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$~~35,537~~36,273.00 plus 0.~~583~~595% of cost over $5,000,000.00

$10,000,000.00 to $19,999,999.00	$~~65,257~~66,608.00 plus 0.~~303~~309% of cost over $10,000,000.00
$20,000,000.00 or more	$~~96,230~~98,222.00

(b) Variance (Section 305)

Variance fees are subject to additional time and material charges, as set forth in Section 350(c). *The initial fee amount is not to exceed 50% of the construction cost.*

Estimated Construction Cost	Initial Fee
$0.00—$9,999.00	$~~817~~834.00
$10,000.00—$19,999.00	$~~1,821~~1,859.00
$20,000.00 and greater	$~~3,708~~3,785.00

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule. *The initial fee amount is not to exceed 50% of the construction cost.*

Estimated Construction Cost	Initial Fee
$0.00 to $9,999.00	$~~256~~261.00
$10,000.00 to $999,999.00	$~~261~~266.00 plus 0.~~117~~119% of cost over $10,000.00
$1,000,000.00 to $4,999,999.00	$~~1,442~~1,472.00 plus 0.~~139~~142% of cost over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$~~7,130~~7,278.00 plus 0.~~116~~118% of cost over $5,000,000.00
$10,000,000.00 to $19,999,999.00	$~~13,050~~13,320.00 plus 0.~~061~~062% of cost over $10,000,000

$20,000,000.00 or more	$~~19,268~~19,667.00

(1) Applications with Verified Violations of this Code: The Planning Department shall charge $~~204~~208.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization: $~~955~~975.00.

(4) The applicant shall be charged for any time and materials beyond the initial fee in Section 352, as set forth in Section 350(c).

(5) An applicant proposing major revisions, as determined by the Zoning Administrator, to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing major revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above.

(d) Discretionary Review Request: $500.00; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning

Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary review in the event the Planning Commission denies the Planning Department's approval or authorization upon which the discretionary review was requested. Mandatory discretionary reviews: $~~3,438~~3,509.00.

(e) Institutional Master Plan (Section 304.5).

(1) Full Institutional Master Plan or Substantial Revision: $~~12,259~~12,513.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(2) Abbreviated Institutional Master Plan: $~~2,244~~2,290.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(f) Land Use Amendments and Related Plans and Diagrams of the San Francisco General Plan: Fee based on the Department's estimated actual costs for time and materials required to review and implement the requested amendment, according to a budget prepared by the Director of Planning, in consultation with the sponsor of the request.

(g) General Plan Referrals: $~~3,310~~3,379.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to cover actual time and materials expected to be incurred, in consultation with the Redevelopment Agency. A sum equal to ½ the expected cost will be submitted to the Department, prior to the commencement of the review. The remainder of the costs will be due at the time the initial payment is depleted.

(i) Reclassify Property or Impose Interim Zoning Controls: $~~7,052~~7,198.00

(1) The applicant shall be charged for any time and materials as set forth in Section 350(c).

(2) Applications with Verified Violations of this Code: The Planning Department shall charge time and materials as set forth in Section 350(c).

(j) Setback Line, Establish, Modify or Abolish: $~~2,851~~2,910.00

(k) Temporary Use Fees: $~~409~~417.00 as an initial fee, plus time and materials if the cost exceeds the initial fee, as set forth in Section 350(c).

(l) Amendments to Text of the Planning Code: $~~14,090~~14,382.00 as an initial fee, plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(m) Zoning Administrator Conversion Determinations Related to Service Station Conversions: $~~2,783~~2,841.00 as an initial fee, plus time and materials if the cost exceeds the initial fee. (Section 228.4).

(n) Conditional Use Appeals to the Board of Supervisors:

(1) $500.00 for the appellant of a conditional used authorization decision to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

(2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and forward the fee amount to the Planning Department.

Section 5. The San Francisco Planning Code is hereby amended by amending Section 353 to read as follows:

SEC. 353. - DOWNTOWN APPLICATIONS.

(a) Exception in C-3 District (Section 309): $~~1,815~~1,853.00 as an initial fee, plus time and materials as set forth in section 350(c) for one or more exceptions to the Planning Code, which shall not be reduced per Section 352(c)(2).

(b) Modifications in C-3 District, Determination of Need (Section 309): Same as Basic commission hearing fee schedule (Sections 352(c); 352(c)(1) et seq.).

(c) Office Development Limitation Projects (Sections 320 through 323): $~~4,864~~4,967.00 per application at initial intake plus time and materials as set forth in Section 350(c).

(d) Article 11 Designated Buildings:

(1) Significant or Contributory Building, Designation or Change of Boundary: $~~6,276~~6,407.00.

(2) Conservation District, Designation or Change of Boundary: $~~6,276~~6,407.00

(3) Permit to Alter a Significant or Contributory Building Within a Designated Conservation District, not Deemed Minor by the Zoning Administrator: $~~8,287~~8,459.00 plus time and materials in excess of initial fee as set forth in Section 350(c).

(4) Alteration of a Contributory Building Located Outside a Conservation District From Which No TDR Has Been Transferred and No Issuance of a Permit Pursuant to Sections 1111 through 1111.6: $~~8,287~~8,459.00

(5) Significant or Contributory Building Demolition in or outside of a Conservation District for which TDRs have been transferred: $~~8,287~~8,459.00 This fee shall be in addition to any fee otherwise required for permits to alter or demolish. However, applications to demolish a Contributory Building located outside a Conservation District from which no TDR has been transferred or a Category V Building in a Conservation District from which no TDR has been transferred are subject only to the demolition fee contained in Section 355(b).

(6) Statement of Eligibility: $~~1,470~~1,500.00.

(7) Certificate of Transfer, Execution: $*424*433.00.

(8) Certification of Transfer of TDR, Notice of Use: $*1,324*1,351.00.

Section 6. The San Francisco Planning Code is hereby amended by amending Section 355 to read as follows:

SEC. 355. - PERMIT APPLICATIONS.

(a) Building permit applications for a change in use or alteration of an existing building, to be collected by Central Permit Bureau; provided, however, that the fees charged for Planning Department approval over-the-counter for the replacement of windows, roofs, siding, and doors shall be reduced to ½ the fee set forth below. *The Planning Department initial fee amount shall not to exceed 50% of the construction cost; notwithstanding the foregoing, applications for permit revisions are excluded from this limitation.*

Estimated Construction Cost	Initial Fee
$0.00 to $9,999.00	$*326*~~319~~.00
$10,000.00 to $49,999.00	$*334*~~327~~.00 plus *3.414*~~3.345~~% of cost over $10,000.00
$50,000.00 to $99,999.00	$*1,725*~~1,690~~.00 plus 2.*281*~~235~~% of cost over $50,000.00 plus $*898*~~7~~.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee
$100,000.00 to $499,999.00	$*2,890*~~2,831~~.00 plus 2.*497*~~446~~% of cost over $100,000.00 plus $*898*~~7~~.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee

$500,000.00 to $999,999.00	$*13,068*~~12,803~~.00 plus 0.*631*~~618~~% of cost over $500,000.00 plus $*8987*.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee
$1,000,000.00 to $4,999,999.00	$*16,286*~~15,956~~.00 plus 0.*248*~~243~~% of cost over $1,000,000.00 plus $*8987*.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee
$5,000,000.00 to $99,999,999.00	$*26,392*~~25,857~~.00 plus .004% of cost over $5,000,000.00 plus $*8987*.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee
$100,000,000.00 or more	$*30,530*~~29,911~~.00 plus $*8987*.00 Discretionary Review Surcharge and $*291*~~285~~.00 Categorical Exemption Stamp Fee

(1) Application with Verified Violations of this Code: The Planning Department shall charge $*1,153*~~1,130~~.00 as an inspection fee for monitoring code violation abatements.

(2) Back-Check Fee for Permit Revisions: $*208*~~204~~.00 for the initial fee, plus time and materials as set forth in Section 350(c), to be collected at time of permit issuance.

(3) Shadow Impact Fee for New Construction or Alteration Exceeding 40 Feet in Height (Section 295): Additional $*477*~~467~~.00 plus time and materials as set forth in Section 350(c).

(4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 311: $*4948*.00, plus $*3.263*~~.03~~ per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(5) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 312: $*4948*.00, plus $*1.130*~~.89~~ per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(6) For projects with a construction cost of $100,000,000.00 or more, the applicant shall be charged the permit fee for a project with a $100,000,000.00 construction cost.

(7) Permits for solar panels and over-the-counter permits for solar equipment installation shall be $*140*~~137~~.00 per permit.

(b) Building Permit Applications for a New Building. *The Planning Department initial fee amount is not to exceed 50% of the construction cost; notwithstanding the foregoing, applications for permit revisions are excluded from this limitation.*

Estimated Construction Cost	Initial Fee
$0 to $99,999	$*1,887*~~*1,849*~~.00, plus $*8987*~~.00~~ Discretionary Review Surcharge and $*291*~~*285*~~.00 Categorical Exemption Stamp Fee
$100,000.00 to $499,999.00	$*1,888*~~*1,850*~~.00, plus 2.*446*~~*497*~~% of cost over $100,000.00 plus $*8987*~~.00~~ Discretionary Review Surcharge and $*291*~~*285*~~.00 Categorical Exemption Stamp Fee

$500,000.00 to $999,999.00	$*12,068~~11,823~~*.00 plus 0.*~~781~~797*% of cost over $500,000.00 plus $*~~8987~~*.00 Discretionary Review Surcharge and $*~~291285~~*.00 Categorical Exemption Stamp Fee
$1,000,000 to $4,999,999.00	$*16,130~~15,803~~* plus 0.*~~300~~306*% of cost over $1,000,000.00 plus $*~~8987~~*.00 Discretionary Review Surcharge and $*~~291285~~*.00 Categorical Exemption Stamp Fee
$5,000,000.00 to $99,999,999.00	$*28,630~~28,049~~*.00 plus 0.005% of cost of $5,000,000 plus $*~~8987~~*.00 Discretionary Review Surcharge and $*~~291285~~*.00 Categorical Exemption Stamp Fee
$100,000,000.00 or more	$*33,804~~33,118~~*.00 plus $*~~8987~~*.00 Discretionary Review Surcharge and $*~~291285~~*.00 Categorical Exemption Stamp Fee

(1) Applications with Verified Violations of this Code: $*1,153~~1,130~~* as an inspection fee for monitoring code violation abatements.

(c) Demolition Applications, to be collected by Central Permit Bureau: $*1,471~~1,441~~*.00.

(d) Fire, Police, Entertainment Commission, State Alcohol & Beverages Control and Health Department Permit Applications Referral Review: $*124~~121~~*.00 initial fee collected by the other departments in conjunction with current fee collections, plus time and materials as set forth in Section 350(c).

(e) Sign Permit Applications, to be collected by Central Permit Bureau: $*130*~~127~~.00.

Section 7: The San Francisco Planning Code is hereby amended by amending Section 356 to read as follows:

SEC. 356. - PRESERVATION APPLICATIONS. (Article 10).

(a) Landmark: $*267*~~262~~.00.

(b) Amendment, Rescission or Designation of Historical District: $*1,069*~~1,047~~.00 plus time and materials in excess of initial fee as set forth in Section 350c. The Planning Director or his/her designee may waive time and material charges for the designation of a Historical District to encourage Citywide preservation activities.

(c) Certificate of Appropriateness: $*314*~~308~~.00 for applications with an estimated construction cost less than $1,000.00; $*1,252*~~1,227~~.00 for applications with an estimated construction less than $20,000.00, $*5,793*~~5,676~~.00 for applications with an estimated construction value $20,000.00 and more, plus time and materials in excess of initial fee as set forth in Section 350(c). *The initial fee amount is not to exceed 50% of the construction cost.*

(d) Determination that a Building is a Compatible Rehabilitation or a Compatible Replacement Building, Pursuant to Section 309 or 1109: Same as for Conditional Use (Section 352(a)).

(e) Processing and Administering an Application for a Historical Properties Contract Under the California Mills Act, California Government Code Sections 50280-50290: $*18,310*~~17,939~~.00 for commercial properties and $*9,159*~~8,973~~.00 for residential properties.

Section 8. The San Francisco Planning Code is hereby amended by amending Section 357 to read as follows:

SEC. 357. - TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT APPLICATIONS.

(a) Transportation Study $*21,758*~~21,317~~.00 plus time and materials as set forth in Section 350(c). Extremely complex transportation studies will be charged a higher initial fee based on the specifics of the project which will be outlined in an Agreement between the Department and the project sponsor.

(b) Municipal Transportation Agency review of transportation impact study: $*4,185*~~4,100~~ per study.

Section 9. The San Francisco Planning Code is hereby amended by amending Section 358 to read as follows:

SEC. 358. - GENERAL ADVERTISING SIGNS FEES.

(a) The fee for the relocation agreement application pursuant to Section 611 and Administrative Code Section 2.21 shall be $*1,249*~~1,224~~.00 per individual relocation agreement application.

(b) The fee for the initial inventory processing pursuant to Section 604.2 shall be $*699*~~685~~.00 per sign structure.

(c) The fee for an in-lieu application pursuant to Section 604.1 shall be $*399*~~391~~.00 per sign structure.

(d) The fee for annual inventory maintenance pursuant to Section 604.2 shall be $*226*~~221~~.00.

(e) Fee Review and Adjustment. Beginning with fiscal year 2007-2008, the fees established in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later that April 15th of each year, the Director shall submit the Department's

current fees schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year. No later that May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which the fee is charged and (b) the fees do not produce revenue that exceeds the costs of providing the services for which each permit fee is charged. Notwithstanding the procedures set forth in this Section, the Board of Supervisors, in its discretion, may modify the fees by ordinance at any time.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Marlena G. Byrne
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110707 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications: and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the priority policies of Planning Code Section 101.1.

June 27, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110707

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110708 ORDINANCE NO. 157-11

[Health Code Patient Rates - FY2011-2012]

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Section 1. Findings.

A. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110708 and is incorporated herein by reference.

Section 2. The San Francisco Health Code is hereby amended by amending Section 128, to read as follows:

Sec. 128. PATIENT RATES. (a) The Board of Supervisors of the City and County of San Francisco does hereby determine and fix the proper reasonable amounts to be charged to persons for services furnished by the Department of Public Health as follows, which rates shall be effective for services delivered as of ~~*July 1, 2010*~~ *July 1, 2011*.

TYPE OF SERVICE	UNIT	AMOUNT
COMMUNITY HEALTH NETWORK		
San Francisco General Hospital		
Surgical Supplies		Special Price List
Pharmacy (IP)		Special Price List
Medical Supplies		Special Price List
Diagnostic Radiology		Special Price List
Clinical Lab		Special Price List

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Anatomic Pathology		Special Price List	
All Other Special Services		Special Price List	
In-Patient Care			
Medical Surgical	Day	~~5,045~~	5,550
Intensive Care	Day	~~10,086~~	11,095
Intensive Care - Trauma	Day	~~10,086~~	11,095
Coronary Care	Day	~~10,086~~	11,095
Chest-Pulmonary	Day	~~8,405~~	9,246
Stepdown Units	Day	~~7,284~~	8,012
Pediatrics	Day	~~4,825~~	5,308
Obstetrics	Day	~~3,948~~	4,343
Nursery			
New Born	Day	~~2,016~~	2,218
Observation/Well Baby	Day	~~3,508~~	3,859
Semi-Intensive Care	Day	~~6,722~~	7,394
Intensive Care	Day	~~10,086~~	11,095
Labor/Delivery - 6G	Day	~~3,125~~	3,438
Labor/Delivery Hours of Stay	Hour	~~175~~	193
Psychiatric Inpatient	Day	~~3,948~~	4,343
Psychiatric Forensic Inpatient - 7L	Day	~~3,948~~	4,343
AIDS Unit - 5A	Day	~~3,948~~	4,343
Security Unit - 7D	Day	~~3,948~~	4,343
Skilled Nursing Facility	Day	~~1,580~~	1,738
Mental Rehab Unit	Day	~~1,305~~	1,436
Adult Residential Facility	Day	~~264~~	290
Respiratory Therapy			
O2 Therapy	per 24 hours	~~515~~	567
Surgical Services			
Minor Surgery I (Come & Go)	1st Hour	~~2,641~~	2,905
Minor Surgery I (Come & Go)	Ea. Add'l 1/2 Hr.	~~1,345~~	1,480

Minor Surgery II	1st Hour	~~2,883~~	3,171
Minor Surgery II	Ea. Add'l 1/2 Hr.	~~1,438~~	1,582
Major Surgery I	1st Hour	~~4,341~~	4,775
Major Surgery I	Add'l 1/2 Hour	~~1,735~~	1,909
Major Surgery II	1st Hour	~~4,888~~	5,377
Major Surgery II	Add'l 1/2 Hour	~~1,957~~	2,153
Major Surgery III	1st Hour	~~5,440~~	5,984
Major Surgery III	Add'l 1/2 Hour	~~2,176~~	2,394
Extraordinary Surgery	1st Hour	~~5,970~~	6,567
Extraordinary Surgery	Add'l 1/2 Hour	~~2,388~~	2,627
Surgery (2 Teams)	1st Hour	~~8,067~~	8,874
Surgery (2 Teams)	Add'l 1/2 Hour	~~3,226~~	3,549
Surgery (3 Teams)	1st Hour	~~8,969~~	9,866
Surgery (3 Teams)	Add'l 1/2 Hour	~~3,588~~	3,947
Major Trauma III	1st Hour	~~7,069~~	7,776
Major Trauma III	Add'l 1/2 Hour	~~2,828~~	3,111
Major Trauma II	1st Hour	~~6,722~~	7,394
Major Trauma II	Add'l 1/2 Hour	~~2,690~~	2,959
Major Trauma I	1st Hour	~~5,114~~	5,625
Major Trauma I	Add'l 1/2 Hour	~~2,046~~	2,251
Recovery Room	1st Hour	~~1,682~~	1,850
Recovery Room	2nd Add'l Hour	~~1,345~~	1,480
Recovery Room	Each Add'l Hour	~~1,009~~	1,110
Anesthesia	1st Hour	~~3,777~~	4,155
Anesthesia	Add'l 1/2 Hour	~~1,885~~	2,074
Trauma Care			
Trauma Activation -900	Visit	~~16,500~~	17,000
Trauma Activation - 911	Visit	~~14,262~~	10,000
Consultation	Visit	~~4,210~~	4,631

Emergency Clinic			
Level I	Room	~~287~~	316
Level II	Room	~~860~~	946
Level III	Room	~~1,840~~	2,024
Level IV	Room	~~3,031~~	3,334
Level V	Room	~~6,118~~	6,730
Resuscitation		~~4,239~~	4,663
Psychiatric Emergency Services			
Crisis Intervention - PES		~~838~~	922
Crisis Stabilization - PES		~~186~~	205
General Clinic			
Initial			
E/M Focused Exam	Visit	~~193~~	212
E/M Expanded Exam	Visit	~~321~~	353
E/M Detailed Exam	Visit	~~366~~	403
E/M Comprehensive Exam	Visit	~~490~~	539
E/M Complex Exam	Visit	~~612~~	673
Established Patient			
E/M Brief Exam	Visit	~~149~~	164
E/M Focused Exam	Visit	~~177~~	195
E/M Expanded Exam	Visit	~~234~~	257
E/M Detailed Exam	Visit	~~331~~	364
E/M Comprehensive Exam	Visit	~~516~~	568
Consultation			
E/M Focused Consult	Visit	~~169~~	186
~~*Medical Marijuana Medical Marijuana ID*~~	~~Card~~	~~103~~	~~103~~
~~*Medical Marijuana ID (Medi-Cal Beneficiaries)*~~	~~Card~~	~~52~~	~~52~~
Primary Care			
Initial			
E/M Focused Exam	Visit	~~211~~	232
E/M Expanded Exam	Visit	~~262~~	288

E/M Detailed Exam	Visit	~~380~~	418
E/M Comprehensive Exam	Visit	~~471~~	518
E/M Complex Exam	Visit	~~740~~	814
Established Patient			
E/M Brief Exam	Visit	~~107~~	118
E/M Focused Exam	Visit	~~160~~	176
E/M Expanded Exam	Visit	~~257~~	283
E/M Detailed Exam	Visit	~~364~~	400
E/M Comprehensive Exam	Visit	~~568~~	625
Dental Services			
Initial Complete Exam	Visit	~~98~~	108
Periodic Exam	Visit	~~98~~	108
Prophylaxis – Adult	Visit	~~133~~	146
Prophylaxis – Child	Visit	~~124~~	136
Extract Single Tooth	Visit	~~195~~	215
One Surface, Permanent Tooth	Visit	~~160~~	176
Home Health Services			
Skilled Nursing	Visit	~~333~~	366
Home Health Aide Services	Visit	~~176~~	194
Medical Social Services	Visit	~~459~~	505
Physical Therapy	Visit	~~382~~	420
Occupational Therapy	Visit	~~382~~	420
Speech Therapy	Visit	~~380~~	418
Laguna Honda Hospital			
In-Patient Care			
Regular Hospital Rates			
Acute	Day	~~3,401~~	3,741
Rehabilitation	Day	~~3,401~~	3,741
Skilled Nursing Facility	Day	~~727~~	800
Skilled Nursing Facility Patch	Day	~~135~~	149
All Inclusive Rates			
Acute	Per Diem	~~4,464~~	4,910
Rehabilitation	Per Diem	~~3,720~~	4,092

Skilled Nursing Facility	Day	~~847~~	932
POPULATION HEALTH & PREVENTION			
Community Mental Health Services			
24-Hour Service			
Inpatient	24 Hours	~~3948~~	4,343
Skilled Nursing	24 Hours	~~1,305~~	1,436
Psychiatric Health Facility (PHF)	24 Hours	~~683~~	697
Crisis Residential	24 Hours	~~399~~	407
Residential	24 Hours	~~194~~	198
Day Services			
Day Rehabilitation	Full Day		163
Day Rehabilitation	Half Day		105
Day Treatment Intensive	Full Day		252
Day Treatment Intensive	Half Day		179
Day Treatment Intensive (Children)	Full Day		368
Day Treatment Intensive (Children)	Half Day		263
Crisis Stabilization	Hour		205
Socialization	Hour		53
Outpatient Services			
Case Management Brokerage	Hour		152
Mental Health Services	Hour		200
Therapeutic Behavioral Services	Hour		200
Medication Support	Hour		357
Crisis Intervention	Hour		299
Other Services		Special Price List	
Community Substance Abuse			
Residential - Detoxification	24 Hours	~~142~~	145
Residential - Basic	24 Hours	~~137~~	140
Residential - Family	24 Hours	~~210~~	214
Residential - Medical Support	24 Hours	~~310~~	316
Recovery Home	24 Hours	~~110~~	112
Therapeutic Community	24 Hours	~~126~~	129
Day Care Rehabilitative	Per Visit	~~152~~	155
Outpatient - Individual Counseling	Per Visit	~~152~~	155
Outpatient - Group Counseling	Per Visit	~~84~~	86

Prevention/Intervention	Hour	~~74~~	76
Methadone	Per Day	~~39~~	40
Buprenorphine	Per Day	~~68~~	69
Naltrexone	Per Visit	~~63~~	64
~~Levoalphacethimethadol (LAAM)~~	~~Per Dose~~		
Narcotic Treatment Program - Individual Counseling	Per 10 minutes	~~39~~	40
Narcotic Treatment Program - Group Counseling	Per 10 minutes	~~12~~	12
Vital Records			
Birth Certificate	Per Certificate	Rates Per State of California	
Death Certificate	Per Certificate	Rates Per State of California	
Permit - Disposition of Human Remains	Per Permit	Rates Per State of California	
Out-of-County Cross File	Per Certificate	Rates Per State of California	
Letter of Non-Contagious Disease	Per Letter	10	
Expedited Registration of Vital Event	Per Event	40	
Expedited Documents 78	Per Delivery	15	
Reproduction of Documents	Per Page	2	
Medical Marijuana			
Medical Marijuana ID	*Card*	~~103~~	113
Medical Marijuana ID (Medi-Cal Beneficiaries)	*Card*	~~52~~	57
Hepatitis A	Per Injection	~~65~~	68
Hepatitis B	Per Injection	~~75~~	78
Influenza	Per Injection	~~25~~	30
FluMist	Per Injection	~~35~~	36
Other Vaccines	Per Injection	Special Price List	

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: _____
Aleeta M. Van Runkle
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110708 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110708

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

Amendment of the whole
in Committee. 6/24/11

158-11

FILE NO. 110709 ORDINANCE NO.

[Public Works - Temporary Street Occupancy Fees]

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110709 and is incorporated herein by reference.

Section 2. The San Francisco Public Works Code is hereby amended by amending Section 724.1 to read as follows:

SEC. 724.1. TEMPORARY OCCUPANCY OF STREET-FEES TO BE PAID.

(a) No permit shall be issued to a private or public entity for the temporary occupancy of the street for building construction operations unless a fee and public right-of-way occupancy assessment are paid. The fee shall be $~~*14.26*~~*15.42*, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of curb. In addition to the fee, the permit applicant shall pay a public right-of-way occupancy assessment of $~~*72.74*~~*100.00*, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel with the face of curb. For purposes of calculating fees and assessment costs, the

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Department shall use one-month increments even though the permittee may occupy for less than a one-month term.

(b) For temporary street space occupancy for any purpose other than a building construction operation, the fee shall be ~~$53.2856.76~~ 57.62 per day with no assessment cost. Unless specified otherwise, such occupation is subject to all provisions of Sections 724 et seq.

(c) Nonprofit organizations with tax exempt status under the Internal Revenue Code shall be exempt from payment of the fee where the street occupancy is necessary for the development of low and moderate income housing as defined by the United States Department of Housing and Urban Development.

(d) Refund. If a permittee elects to relinquish all or a portion of the occupied street space prior to termination of the permit, the permittee may seek a refund of fees and occupancy assessment from the Department. There shall be no fee charged for a refund request. Refunds shall be issued based only on one-month increments.

(e) Fee and Assessment Review. Beginning with fiscal year ~~2008-2009~~2012-2013, the permit fee and street occupancy assessment set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Director shall submit its current fee and occupancy assessment schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule and occupancy assessment for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and occupancy assessment and certifying that: (a) the permit fees produce sufficient revenue to support the costs of providing the services for which the permit fee is assessed, and (b) the permit fees do not produce revenue which is significantly more than the costs of providing the

services for which each permit fee is assessed. Notwithstanding the above, the Board of Supervisors, in its discretion, may modify the street occupancy assessment at any time.

(f) Additional Fees. In instances where administration of this permit program or inspection of a street space occupancy is or will be unusually costly to the Department, the Director, in his or her discretion, may require an applicant or permittee to pay any sum in excess of the amounts charged above. This additional sum shall be sufficient to recover actual costs incurred by the Department and shall be charged on a time and materials basis. The Director also may charge for any time and materials costs incurred by other agencies, boards, commissions, or departments of the City in connection with the administration or inspection of the street space occupancy. Whenever additional fees are charged, the Director, upon request of the applicant or permittee, shall provide in writing the basis for the additional fees and an estimate of the additional fees.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
John D. Malamut
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110709 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

June 20, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

June 24, 2011 Budget and Finance Committee - CONTINUED AS AMENDED

June 29, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110709

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

Amendment of the whole
in committee. 6/24/11

FILE NO. 110710 ORDINANCE NO. 159-11

[Administrative Code - Public Administrator/Public Guardian Representative Payee Services Fee]

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of $37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are exempt from the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.110710 and is incorporated herein by reference.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 2A.211-A, to read as follows:

Sec. 2A.211-A. Public Administrator/Public Guardian Representative Payee Program.

(a) **Findings.** The Board of Supervisors finds that there are residents of the City and County of San Francisco who are recipients of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources who are unable to manage such income to their best advantage.

There are also residents of the City and County of San Francisco who are denied the payment of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources

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because of mental and/or physical disability who would benefit from assistance in applying for and managing funds.

Therefore, the Board of Supervisors authorizes the Public Administrator-Public Guardian, pursuant to permission of the client, to receive, manage, and disburse income and benefits from public and private sources for those persons who receive such aid, but are unable to manage their funds.

And, further, that the Public Administrator-Public Guardian is authorized, pursuant to permission of the client, to provide assistance in applying for public and private resources to which the client may be entitled, but which are withheld or not paid because of a determination from the funding source that the recipient is incapable of managing such funds.

(b) **Public Guardian Representative Payee Program.** There shall be a program called the Public Guardian Representative Payee Program (hereinafter, "Program") created in the Office of the Public Administrator-Public Guardian. Upon agreement with the client, the Program may provide the following services: (1) Collect and deposit entitlement checks and other income into accounts managed by the Public Administrator-Public Guardian. (2) Redirect the client's bills including, but not limited to, rent and utility bills to the Program and pay these bills with the client's funds. (3) Make disbursements from the client's share of funds for the client's personal needs. *(4) The Public Administrator-Public Guardian shall charge each client a monthly fee of* ~~$35.00~~ $37.00 *for services provided through the Representative Payee Program as authorized by California Government Code Section 27436 unless such client is otherwise legally exempt from payment of the fee. Clients demonstrating an inability to pay may qualify for a discretionary waiver of the fee as determined by the Public Administrator-Public Guardian or their designee.*

(c) **Refunds.** Upon discharge or withdrawal from the Program, any and all amounts on deposit in the name of the client shall be refunded to him or her, or the succeeding fiduciary, if applicable.

(d) **Records.** The Public Administrator-Public Guardian shall cause full, true and correct records to be maintained, on a current basis, regarding the receipt and disbursement of all moneys belonging to any such client on deposit in accounts managed by the Public Administrator-Public Guardian. Clear and current records must be maintained showing all credits to and debits from the account for each individual client, as well as each client's current share and balance in the account.

(e) **Fiduciary.** The Public Administrator-Public Guardian shall keep records as befits a fiduciary entrusted with a client's funds.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: _____
ALEETA M. VAN RUNKLE
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110710 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of $37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

June 20, 2011 Budget and Finance Committee - CONTINUED

June 23, 2011 Budget and Finance Committee - CONTINUED

June 24, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

June 24, 2011 Budget and Finance Committee - CONTINUED AS AMENDED

June 29, 2011 Budget and Finance Committee - RECOMMENDED

July 12, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 19, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110710

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110277 Amended in Committee 6/20/2011 ORDINANCE NO. 160-11

[Planning Code - Vintage Signs]

Ordinance amending ~~the~~ San Francisco Planning Code Section 608.14 of ~~by amending Section 608.14 regarding the authorization of historic~~ to 1) authorize vintage signs; and 2) ~~adopting~~ making environmental findings, ~~including environmental findings,~~ Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 11-277 and is incorporated herein by reference.

(b) These Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18376, and the Board incorporates those reasons herein by reference. A copy of Planning Commission Resolution No. 18376 is on file with the Clerk of the Board of Supervisors in File No. 11-277.

(c) These Planning Code amendments are consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18376, and the Board incorporates those reasons herein by reference.

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Section 2. The San Francisco Planning Code is hereby amended by amending Section 608.14, to read as follows:

SEC. 608.14. ~~HISTORIC~~ VINTAGE SIGNS *~~IN HISTORIC SIGN DISTRICTS.~~*

(a) **Restoration and Maintenance.** *Notwithstanding the provisions of Section 604(h) of this Code, ~~S~~*signs which depict in text or graphic form a particular residential, business, cultural, economic, recreational, or other valued resource which is deemed by the Planning Commission to be ~~of historic value and~~ a cultural artifact that contributes to the visual identity and historic character of *a City neighborhood or* the City *as a whole* shall be considered a vintage sign and allowed to be restored, reconstructed, maintained and technologically improved on a property by Conditional Use authorization of the Planning Commission provided that: (a) *~~the proposed historic sign lies within an historic sign district designated pursuant to Section 302 of the Planning Code and shown on the Zoning Map of the City and County of San Francisco; (b)~~* the ~~historic~~ vintage sign to be restored, reconstructed or technologically improved depicts a use, person, place, thing, cultural icon or other valued character or characteristics of the City *or a City neighborhood* that, at the time of the ~~historic~~ vintage sign *authorization ~~permit application,~~* is at least 40 years old; *(b) at least 50 percent of the area of the sign remains legible,* (c) the sign does not visually obstruct or significantly impair or detract from, by glare or any other means, a City landmark or public vista; (d) the sign is not larger than the sign that existed prior to the ~~historic~~ vintage sign *authorization ~~designation~~ ~~of a sign that is proposed for restoration~~* and does not appear to be more visually prominent than the sign that existed prior to the ~~historic~~ vintage sign *authorization ~~designation~~*; and, (e) the sign is maintained in good condition, repair and working order. Designation as a vintage sign under this Section does not by itself protect the sign from being obscured or removed by future development projects.

*(b) **Application for** ~~Historic~~ Vintage **Sign Authorization.** Prior to the scheduling of the Conditional Use hearing before the Planning Commission required by subsection (a), the applicant for a ~~historic~~ vintage sign authorization shall provide to the Department evidence in the form of photographs and/or documents demonstrating that:*

(1) the sign proposed for ~~historic~~ vintage sign authorization is at least 40 years old; and

(2) the sign is a cultural artifiact that *depicts a particular residential, business, cultural, economic, recreational, or other valued resource ~~of historic value~~* of the past ~~and~~ that *contributes to the visual identity and ~~historic~~ character of a City neighborhood or the City as a whole.*

*(c) **Application of Other Article 6 Requirements.*** Once a sign is *authorized ~~designated~~* as ~~historic~~ a vintage sign under this Section, it~~s~~ *is subject only to the requirements of this Section 608.14 and is exempt from all other provision of Article 6. However, any change of copy from the ~~historic~~* vintage *~~copy authorized by the Planning Commission or any~~* enlargement *~~or~~* alteration *~~or shall be considered an~~* abandonment *of the ~~historic~~* vintage *sign authorization and the sign shall then be considered a new sign subject to all the provisions of this Article 6 ~~shall be governed by the provisions of Section 178 of this Code.~~ The addition of a frame to a painted wall sign shall not be considered an enlargement or alteration under this section.*

(d) Removal of Vintage Sign. Once designated as a vintage sign under this Section, the sign may not be removed without Conditional Use authorization of the Planning Commission.

(e) Relocation. A three-dimensional vintage sign may be relocated to a new location with Conditional Use authorization of the Planning Commission. Relocation of a general advertising sign is subject to the provisions of Section 2.21 of the San Francisco Administrative Code and may not be relocated under this Section 608.14.

(f) ~~(d)~~ ***Referral to Historic Preservation Commission.*** *If the application for a ~~historic~~* vintage *sign authorization under this Section 608.14 is not otherwise required to be referred to the Historic Preservation Commission under the San Francisco Charter or this Code, it is not required to be*

referred. ~~However, the Department may refer the application to that Commission for an advisory opinion.~~

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110277 **Date Passed:** July 26, 2011

Ordinance amending San Francisco Planning Code Section 608.14 to 1) authorize vintage signs; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

June 20, 2011 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

June 20, 2011 Land Use and Economic Development Committee - CONTINUED AS AMENDED

July 11, 2011 Land Use and Economic Development Committee - RECOMMENDED

July 19, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110277

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110623 ORDINANCE NO. 161-11

[Changing the Official Sidewalk Width - Brotherhood Way]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1.The Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the Planning Department findings in its letter dated July 20, 2009. Said letter stated the actions contemplated herein are consistent with the General Plan and in conformance with the Eight Priority Policies of Planning Code Section 101.1. A copy of said letter is in the Clerk of the Board of Supervisors File No. 110623.

Section 2. In the abovementioned letter, the Planning Department also determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is incorporated herein by reference.

Section 3. In accordance with the Department of Public Works' Order No. 179,152, a copy of which is in the Clerk of the Board of Supervisors File No. 110623 and incorporated herein by reference, Board of Supervisors Ordinance No.1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors

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Book of General Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:

Section 1588. The official sidewalk width on north side of Brotherhood Way west of Chumasero Drive shall be as shown on Department of Public Works drawings Q-20-661change 1, copies of which are in the Clerk of the Board of Supervisors File No. **110623** .

Section 4. Jackson Liles Architecture, as is necessary as a result of this Ordinance, shall make arrangements with public utility companies and City Departments for the relocation, modification, or any affected public facilities. Any necessary relocation, modification, or both of such facilities shall be at no cost to the City and County of San Francisco.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

John D. Malamut
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

Edward D. Reiskin
Director of Public Works

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110623 **Date Passed:** July 26, 2011

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change.

July 11, 2011 Land Use and Economic Development Committee - RECOMMENDED

July 19, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110623

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110627 ORDINANCE NO. 162-11

[General Plan Amendment - Community Safety Element]

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 1. Findings.

A. Section 4.105 of the Charter of the City and County of San Francisco provides that the Planning Commission shall periodically recommend to the Board of Supervisors, for approval or rejection, proposed amendments to the General Plan.

B. On May 11, 2011, the Board of Supervisors received from the Planning Department proposed General Plan amendments to the Community Safety Element of the General Plan, which was adopted by the Planning Commission on March 24, 2011.

C. Section 4.105 of the City Charter further provides that if the Board of Supervisors fails to Act within 90 days of receipt of the proposed General Plan Amendment, then the proposed amendment shall be deemed approved.

D. San Francisco Planning Code Section 340 provides that an amendment to the General Plan may be initiated by a resolution of intention by the Planning Commission, which refers to, and incorporates by reference, the proposed General Plan amendment. Planning Code Section 340 further provides that the Planning Commission shall adopt the proposed General Plan amendment after a public hearing if it finds from the facts presented that the

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public necessity, convenience and general welfare require the proposed amendment or any part thereof. If adopted by the Planning Commission in whole or in part, the proposed amendment shall be presented to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

E. On February 24th, 2011, the Planning Commission adopted Motion No. 18298 initiating an amendment to the General Plan, at a duly noticed public hearing. A copy of Planning Commission Motion No. 18298 is on file with the Clerk of the Board in File No. 110627.

F. On January 31, 2011, the Major Environmental Analysis of the Department determined that the Project is Exempt from Environmental Review under CEQA Guidelines Section 15378.

G. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the General Plan Amendment set forth in the documents on file with the Clerk of the Board in File No. 110627 will serve the public necessity, convenience and general welfare for the reasons set forth in Planning Commission Motion No. 18298 and incorporates those reasons herein by reference.

H. The Board of Supervisors finds that the General Plan Amendment, as set forth in the documents on file with the Clerk of the Board in File No. 110627, are in conformity with the General Plan, as it is amended by this Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Motion No. 18298. The Board hereby adopts the findings set forth in Planning Commission Motion No. 18298 and incorporates those findings herein by reference.

Section 2. The Board of Supervisors hereby approves the following amendments to the General Plan, as recommended to the Board of Supervisors by the Planning Commission in Motion No. 18298 and as shown in the Element on file with the Clerk of the

Board in File No. 110627. Described generally, these amendments to the text of the Community Safety Element revise the reference to the San Francisco Hazard Mitigation Plan in the Community Safety Element of the General Plan to better describe the role of the Plan as an implementation program of the Community Safety Element. The text of the Introduction to the Community Safety Element, "Relationship to Other Plans and Programs, Hazard Mitigation Plan" is amended as follows:

Hazard Mitigation Plan: Another related plan is the Hazard Mitigation Plan, required by federal law as a condition of receiving hazard mitigation grants after a declared disaster. ~~*The City prepared a Hazard Mitigation Plan after the 1989 Loma Prieta earthquake. It was developed by an inter-departmental team coordinated by the Chief Administrative Officer, and adopted by the Board of Supervisors in 1990. It contained background information similar to the Community Safety Element, and a list of earthquake mitigation projects proposed by City departments. The Hazard Mitigation Plan was updated, to include the projects proposed to reduce hazards from high wind and storms, such as occurred during the winter of 1995-1996, which was a declared disaster in San Francisco. That update is expected to cover the declared disasters of the January 1997 storms.*~~ *By law, a Hazard Mitigation Plan must describe the type, location, and extent of all natural hazards that can affect the jurisdiction; describe the jurisdiction's vulnerability to these hazards; include a mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses; and, contain a plan maintenance process.*

The Hazard Mitigation Plan serves as one of the Implementation Programs of the Community Safety Element, and contains programs that implement its policies. The Board of Supervisors regularly adopts updates to the San Francisco Hazard Mitigation Plan.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Susan Cleveland-Knowles
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110627 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings.

July 11, 2011 Land Use and Economic Development Committee - RECOMMENDED

July 19, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110627

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

FILE NO. 110180 ORDINANCE NO. 163-11

[Changing the Official Sidewalk Width - Clarence Place]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the Planning Department findings in its letter dated November 16, 2009. Said letter stated the actions contemplated herein are consistent with the General Plan and in conformance with the Eight Priority Policies of Planning Code Section 101.1. A copy of said letter is in the Clerk of the Board of Supervisors File No. 110180

Section 2. In the abovementioned letter, the Planning Department also determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is incorporated herein by reference.

Section 3. In accordance with the Department of Public Works' Order No. 179,306, a copy of which is in the Clerk of the Board of Supervisors File No. 110180 and incorporated herein by reference, Board of Supervisors Ordinance No.1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors

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Book of General Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:

Section 1590. The official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street shall be as shown on Department of Public Works drawings Q-20-679, copies of which are in the Clerk of the Board of Supervisors File No. **110180** .

Section 4. Bruce D. Baumann & Associates, as is necessary as a result of this Ordinance, shall make arrangements with public utility companies and City Departments for the relocation, modification, or any affected public facilities. Any necessary relocation, modification, or both of such facilities shall be at no cost to the City and County of San Francisco.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

John D. Malamut
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

Edward D. Reiskin
Director of Public Works

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110180 **Date Passed:** July 26, 2011

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both, of facilities affected by the sidewalk width change.

July 11, 2011 Land Use and Economic Development Committee - RECOMMENDED

July 19, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110180

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/1/11
Date Approved

Amendment of the whole
in committee. 7/20/11

FILE NO. 110749 ORDINANCE NO. 164-11

[Administrative, Business and Tax Regulations Codes - 0.50% Sales Tax Increase to Fund Public Safety Programs and Services to Children and Seniors]

Ordinance amending the San Francisco Business and Tax Regulations Code by adding Article 16-A to provide funds for public safety programs and services to children and senior citizens in the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of ten years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; amending the Administrative Code by adding Section 10.100.321 establishing a special revenue fund; and directing submission of the tax for voter approval at the November 8, 2011 municipal election.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Business and Tax Regulations Code is hereby amended by adding Article 16-A, Sections 1650 et seq., ("Safe Communities Transactions and Use Tax Ordinance") to read as follows:

SEC. 1650. TITLE.

This ordinance shall be known as the Safe Communities Transactions and Use Tax Ordinance. The City and County of San Francisco hereinafter shall be called "City and County." This ordinance shall be applicable in the City and County.

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SEC. 1651. OPERATIVE DATE.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, as provided in Cal. Rev. & Tax. Code Section 7265.

SEC. 1652. CONDITIONS TO OPERABILITY OF THE TAX INCREASE IMPOSED BY THIS ORDINANCE.

(a) The Safe Communities Transactions and Use Tax imposed by this ordinance shall become operative only if on or before November 30, 2011: (i) the state legislature or the state voters do not extend or reimpose the temporary 1% increase in the state sales and use tax rate from April 1, 2009 until July 1, 2011 under Assembly Bill 3 (3rd Ex. Sess.) (Stats. 2009-10, Ch. 18) (the "Temporary State Tax"), or impose the same or a substantially similar state tax at the same rate or a higher rate and for the same purpose (a "Substantially Similar State Tax"), for a term of at least 1 year, and (ii) as a result of such failure to extend or reimpose the Temporary State Tax or impose a Substantially Similar State Tax, the state sales and use tax rate, inclusive of the Bradley-Burns Uniform Sales and Use Tax rate, is then no more than 7.25%. If either such condition is not satisfied on or before November 30, 2011, then the Safe Communities Transactions and Use Tax shall not become operative and this ordinance shall expire by operation of law.

(b) If the Safe Communities Transactions and Use Tax becomes operative under subparagraph (a), but on or before January 1, 2016 (i) the state legislature or the state voters approve the extension or reimposition of the Temporary State Tax or impose a Substantially Similar State Tax for a period of at least 1 calendar year, and (ii) as a result the state sales and use tax rate, inclusive of the Bradley-Burns Uniform Sales and Use Tax rate, is at least 8.00% or a combination of the state tax rate, the Bradley-Burns Uniform Sales and Use Tax rate and the rate of a Substantially Similar State Tax equals at least 8.00%, then the Safe Communities Transactions and Use Tax will expire by operation of law as follows: (1) Promptly following satisfaction of the conditions described in clauses (i) and (ii) above, the Board of Supervisors shall adopt and transmit to the State Board of Equalization

an ordinance requesting that it cease collecting the Safe Communities Transactions and Use Tax on the day before the state tax becomes operative or, (2) if that is not feasible, at the earliest date administratively possible, the Safe Communities Transactions and Use Tax shall expire by operation of law and cease to be collected on the date the State Board of Equalization is able to cease collecting it in accordance with this paragraph. On such date as the Safe Communities Transactions and Use Tax ceases to be collected, this ordinance shall expire by operation of law.

(c) If the Safe Communities Transactions and Use Tax becomes operative and remains operative after January 1, 2016 and (i) subsequent to January 1, 2016 the state legislature or the state voters approve the extension or reimposition of the Temporary State Tax or impose a Substantially Similar State Tax for a period of at least 1 calendar year, and (ii) as a result the state sales and use tax rate, inclusive of the Bradley-Burns Uniform Sales and Use Tax rate, is at least 8.00% or a combination of the state tax rate, the Bradley-Burns Uniform Sales and Use Tax rate and the rate of a Substantially Similar State Tax equals at least 8.00%, then the Board of Supervisors shall hold a public hearing to consider the economic impact of the state sales and use tax and whether the Safe Communities Transactions and Use Tax should continue to be collected.

SEC. 1653. PURPOSE.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To provide support and funding for public safety programs and services for children and senior citizens in the City and County.

(b) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the City and County to adopt this tax ordinance which shall be operative if 2/3 of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(c) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

(d) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

(e) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

SEC. 1654. CONTRACT WITH STATE.

Prior to the operative date, the City and County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City and County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SEC. 1655. TRANSACTIONS TAX RATE.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the City and County at the rate of 0.50%

of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City and County on and after the operative date of this ordinance.

SEC. 1656. PLACE OF SALE.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SEC. 1657. USE TAX RATE.

An excise tax is hereby imposed on the storage, use or other consumption in the City and County of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in the City and County at the rate of 0.50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SEC. 1658. ADOPTION OF PROVISIONS OF STATE LAW.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

SEC. 1659. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of the City and County shall be substituted therefor. However, the substitution shall not be made when:

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against the City and County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance;

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(A) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(B) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The words "the City and County of San Francisco" shall be substituted for the words "this State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

SEC. 1660. PERMIT NOT REQUIRED.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

SEC. 1661. EXEMPTIONS AND EXCLUSIONS.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the City and County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City and County which is shipped to a point outside the City and County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City and County shall be satisfied:

(A) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an address outside the City and

County and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(B) With respect to commercial vehicles, by registration to a place of business outside the City and County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in the City and County of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) If the possession of, or the exercise of any right or power over the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7) of this section, a retailer engaged in business in the City and County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City and County or participates within the City and County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City and County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City and County under the authority of the retailer.

(7) "A retailer engaged in business in the City and County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City and County.

(d) Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property, the storage, use or other consumption of which is subject to the use tax.

SEC. 1662. AMENDMENTS.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

SEC. 1663. ENJOINING COLLECTION FORBIDDEN.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City and County, or against any officer of the State or the City and County, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SEC. 1664. ADOPTION OF EXPENDITURE PLAN.

The Safe Communities Transactions and Use Tax Expenditure Plan ("Expenditure Plan") on file with the Clerk of the Board of Supervisors in File No. 110749 , and incorporated into this ordinance by reference is hereby adopted. Proceeds of the tax imposed by this ordinance shall be placed in a special account and shall be spent only to implement the project components set forth in the Expenditure Plan. The Expenditure Plan may be amended from time to time to further the purposes of this ordinance, to add or delete a project or to take into consideration unforeseen circumstances.

SEC. 1665. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 1666. EFFECTIVE DATE.

This ordinance relates to the levying and collecting of the City and County transactions and use taxes and shall take effect immediately.

SEC. 1667. TERMINATION DATE.

The authority to levy the tax imposed by this ordinance shall expire on December 31, 2022

Section 2. The San Francisco Administrative Code is hereby amended by adding Section 10.100.321 to read as follows:

SEC. 10.100.321. SAFE COMMUNITIES TRANSACTIONS AND USE TAX FUND.

(a) Establishment of Fund. The Safe Communities Transactions And Use Tax Fund, a special revenue fund, is hereby established as a category-four fund to receive any and all collections of the Transactions and Use Tax imposed by Business and Tax Regulations Code, Article 16-A, Section 1650 et seq.

(b) Use of Fund. Monies in the Safe Communities Transactions And Use Tax Fund shall be used solely to fund the public safety and social safety programs described in the Safe Communities Transactions and Use Tax Expenditure Plan.

(c) Oversight of Fund. The Controller shall maintain the Fund and shall record all receipts and expenditures.

Section 3. Pursuant to Article XIIIC of the Constitution of the State of California and Section 7285 of the California Revenue and Taxation Code, this ordinance shall be submitted to the qualified electors of the City and County of San Francisco at the November 8, 2011

municipal election. This ordinance shall become operative only if approved by the qualified electors at such election.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JEAN ALEXANDER
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110749 **Date Passed:** August 02, 2011

Ordinance amending the San Francisco Business and Tax Regulations Code by adding Article 16-A to provide funds for public safety programs and services to children and senior citizens in the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of ten years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; amending the Administrative Code by adding Section 10.100.321 establishing a special revenue fund; and directing submission of the tax for voter approval at the November 8, 2011, municipal election.

July 20, 2011 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 20, 2011 Budget and Finance Sub-Committee - CONTINUED AS AMENDED

July 26, 2011 Budget and Finance Sub-Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110749

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/2/11
Date Approved

FILE NO. 110656

Amendment of the Whole – 7/11/11
ORDINANCE NO. 165-11

[Environment Code—Cell Phone Disclosure Requirements]

Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate values for cell phone models.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. **Findings.**

1. It is the policy of the City and County of San Francisco to adhere to the Precautionary Principle, which provides that the government should not wait for scientific proof of a health or safety risk before taking steps to inform the public of the potential for harm.

2. There is a debate in the scientific community about the health effects of cell phones.

3. Numerous studies have identified evidence of an increased risk of brain cancer and other illnesses as a result of cell phone use, as well as heightened health concerns for children and pregnant women.

4. Leading epidemiologists who have studied the effects of radiofrequency energy absorbed from cell phones have recommended that the public be informed of the potential for adverse health effects from long-term cell phone use, particularly for children. See Cardis and Sadetski, "Indications of possible brain-tumour risk in mobile-phone studies: Should we be concerned?," Journal of Occupational and Environmental Medicine, Jan. 24, 2011.

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File No. 110749

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/2/11
Date Approved

[Environment Code—Cell Phone Disclosure Requirements]

Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate values for cell phone models.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. **Findings.**

1. It is the policy of the City and County of San Francisco to adhere to the Precautionary Principle, which provides that the government should not wait for scientific proof of a health or safety risk before taking steps to inform the public of the potential for harm.

2. There is a debate in the scientific community about the health effects of cell phones.

3. Numerous studies have identified evidence of an increased risk of brain cancer and other illnesses as a result of cell phone use, as well as heightened health concerns for children and pregnant women.

4. Leading epidemiologists who have studied the effects of radiofrequency energy absorbed from cell phones have recommended that the public be informed of the potential for adverse health effects from long-term cell phone use, particularly for children. See Cardis and Sadetski, "Indications of possible brain-tumour risk in mobile-phone studies: Should we be concerned?," Journal of Occupational and Environmental Medicine, Jan. 24, 2011.

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5. Most cellular phone user manuals disclose, in fine print, that if a user holds a phone too close to his or her body, his or her phone may exceed the radiofrequency energy exposure limitation set by the Federal Communications Commission ("FCC").

6. FCC regulations presently do not require cell phone manufacturers to measure the amount of radiofrequency energy an average user will absorb from each model of cell phone. The amount of radiofrequency energy a user will absorb from a particular model of cell phone depends on numerous factors, including how the phone is used, the frequency on which it operates and the communication system it uses (for example, CDMA technology or GSM technology).

7. The Board urges the FCC and the scientific community to develop a metric for measuring the actual amount of radiofrequency energy an average user will absorb from each model of cell phone. Such a metric would better enable consumers concerned about the potential effects of radiofrequency emissions to compare cell phone models and make informed purchasing decisions.

8. The Board finds that until such a metric is developed, it is in the interest of the public health to require cell phone retailers to inform consumers about the potential health effects of cell phone use, and about measures they can take to reduce their exposure to radiofrequency energy from cell phones. The purpose of this legislation is to improve and strengthen the disclosures required under the original Cell Phone Right-to-Know Ordinance to better achieve this public health purpose.

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Section 2. The San Francisco Environment Code is hereby amended by amending Sections 1101 through 1105, to read as follows:

SEC. 1101. DEFINITIONS.

For the purposes of this Chapter, the following terms shall have the following meanings, unless the context requires otherwise:

(a) "Cell phone" means a portable wireless telephone device that is designed to send or receive transmissions through a cellular radiotelephone service, as defined in Section 22.99 of Title 47 of the Code of Federal Regulations. A cell phone does not include a wireless telephone device that is integrated into the electrical architecture of a motor vehicle.

(b) "Cell phone retailer" means any person or entity within the City which sells or leases cell phones to the public or which offers cell phones for sale or lease. ~~"Cell phone retailer" shall include a "formula cell phone retailer."~~ "Cell phone retailer" shall not include anyone selling or leasing cell phones solely over the phone, by mail, or over the internet. "Cell phone retailer" shall also not include anyone selling or leasing cell phones directly to the public at a convention, trade show, or conference, or otherwise selling or leasing cell phones directly to the public within the City for fewer than 10 days in a year.

(c) "Cell phone service provider" means a telecommunications common carrier authorized to offer and provide cellular service for hire to the general public.

(d) "Director" means the Director of the Department of the Environment, or his or her designee.

(e) "Display materials" means informational or promotional materials posted adjacent to a sample phone or phones on display at the retail location that describe or list the features of the phone. "Display materials" shall not include any tag, sticker, or decal attached to a cell phone by the manufacturer, the manufacturer's packaging for a cell phone, or materials that list only the price and an identifier for the phone.

~~*(f) "Formula cell phone retailer" means a cell phone retailer which sells or leases cell phones to the public, or which offers cell phones for sale or lease, through a retail sales establishment located in the City which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise; a standardized facade; a standardized decor and color scheme; a uniform apparel; standardized signage; or, a trademark or service mark.*~~

~~*(g) "SAR value" means the maximum whole-body and spatial peak Specific Absorption Rate for a particular make and model of cell phone as registered with the Federal Communications Commission. (See, generally, Section 2.1093 of Title 47 of the Code of Federal Regulations.)*~~

SEC. 1102. REQUIREMENTS FOR CELL PHONE SERVICE PROVIDERS.

~~*(a) Beginning September 1, 2010, any*~~ *Any* cell phone service provider that sells its service through a retailer in the City must provide a list of those retail locations to the Department of the Environment in a form determined by the Department. The service provider must update the list annually. The Department shall adopt regulations governing the form and submission of the lists.

~~*(b) Beginning November 1, 2010, any cell phone service provider that sells its service through a retailer in the City must provide those retailers with the SAR value for each make and model of cell phone sold or leased at that location in connection with cell phone service from the provider. The service provider must update the information it provides to retailers whenever new makes and models of cell phones covered by the service provider are added or old makes and models dropped, or whenever the service provider receives new information on the SAR values of any of the phones.*~~

~~*(c) If a cell phone service provider is unable to provide this information (in subsection b) to retailers in the City, then the Department of Environment upon the request of the service provider shall provide assistance in procuring that information.*~~

SEC. 1103. REQUIREMENTS FOR CELL PHONE RETAILERS.

(a) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d) ~~1104(b)~~*, cell phone retailers must display in a prominent location visible to the public, within the retail store, an informational poster developed by the Department of the Environment as referenced in Section 1104.*

(b) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d) ~~1104(b)~~*, cell phone retailers must provide to every customer that purchases a cell phone a free copy of an informational factsheet developed by the Department of the Environment as referenced in Section 1104. A copy of this factsheet must also be provided to any customer who requests it, regardless of whether they purchase a cell phone or not.*

(c) ~~*(a)*~~ *Beginning 30 days after the Department of the Environment adopts the regulations required under Section* 1104(d) ~~1104(b)~~*, if* ~~*If*~~ a cell phone retailer posts display materials in connection with sample phones or phones on display, the display materials must include these three informational statements, whose contents, and size, and format as printed, shall be determined by the Department of the Environment ~~elements~~:

(1) A statement explaining that cell phones emit radiofrequency energy that is absorbed by the head and body;

(2) A statement referencing measures to reduce exposure to radiofrequency energy from the use of a cell phone; and,

(3) A statement that the informational factsheet referenced in subsection (b) is available from the cell phone retailer upon request.

~~*(1) The SAR value of that phone and the maximum allowable SAR value for cell phones set by the FCC;*~~

~~*(2) A statement explaining what a SAR value is; and,*~~

~~*(3) A statement that additional educational materials regarding SAR values and cell phone use are available from the cell phone retailer.*~~

~~*The Department of the Environment shall adopt regulations specifying the content and format for the elements required by this subsection (a), and shall develop a template for those elements. The SAR values and header text shall be printed in type no smaller than the size and readability equivalent of "Arial" 11 point, and the copy text shall be printed in type no smaller than the size and readability equivalent of "Arial" 8 point.*~~

~~*Formula cell phone retailers must comply with the requirements of this subsection (a) beginning May 1, 2011. All other cell phone retailers must comply by February 1, 2012.*~~

~~*(b) If a cell phone retailer does not post display materials in connection with sample phones or phones on display, the retailer must display, in a prominent location within the retail location visible to the public, a poster that includes these three elements:*~~

~~*(1) The SAR value of each make and model of cell phone offered for sale or lease at that retail location and the maximum allowable SAR value for cell phones set by the FCC;*~~

~~*(2) A statement explaining what a SAR value is; and,*~~

~~*(3) A statement that additional educational materials regarding SAR values and cell phone use are available from the cell phone retailer.*~~

~~*The Department of the Environment shall adopt regulations specifying the content and format for the elements required by this subsection (b), and shall develop a template for those elements. The store poster shall be no smaller than 8.5 inches by 11 inches.*~~

~~*Formula cell phone retailers must comply with the requirements of this subsection (b) beginning May 1, 2011. All other cell phone retailers must comply by February 1, 2012.*~~

(d) ~~*(c)*~~ The Director may, in his or her discretion, authorize a retailer to use alternate means to comply with the requirements of subsections (a), *(b) and (c)* ~~*and (b)*~~. The Director shall authorize such alternate means through the adoption of a regulation after a noticed

hearing, and no retailer may sell or lease cell phones to the public or offer to sell or lease cell phones to the public using any alternate means of compliance with this Chapter unless specifically authorized to do so in advance in writing by the Director.

~~*(d) Retailers shall provide any customer who requests one with a free copy of the supplemental factsheet prepared by the Department of the Environment under Section 1104(a), as referenced in subsections (a)(3) and (b)(3).*~~

SEC. 1104. ***REQUIREMENTS FOR THE DEPARTMENT OF THE ENVIRONMENT*** ~~***DEPARTMENTAL FACTSHEETS; ASSISTANCE WITH COMPLIANCE***~~**.**

(a) Following a public hearing, the Department of the Environment, in consultation with the Department of Public Health, shall develop: ~~*a supplemental factsheet regarding SAR values and the use of cell phones, as well as templates for display materials and store posters required by this Chapter.*~~

(1) An informational poster, as referenced in Section 1103(a);

(2) An informational factsheet, as referenced in Section 1103(b); and,

(3) A set of statements that must be included in display materials, as referenced in Section 1103(c).

(b) The materials shall inform consumers of issues pertaining to radiofrequency energy emissions from cell phones and actions that can be taken by cell phone users to minimize exposure to radiofrequency energy, such as turning off cell phones when not in use, using a headset and speaker phone, or using the phone to send text messages ("texting").

(c) The Director may by regulation require the inclusion of additional information in the poster, the factsheet, and/or the statements required in connection with display materials.

~~*The Department of the Environment shall hold the initial public hearing by September 1, 2010, and complete the supplemental factsheet by November 1, 2010. The supplemental factsheet shall be no larger than 8.5 inches by 11 inches.*~~

(d) ~~*(b) By November 1, 2010,*~~ *Within 15 days after the effective date of this ordinance or as soon thereafter as is practicable,* the Department of the Environment shall*, after a noticed public hearing,* issue regulations specifying the contents, *size,* and format for ~~*the elements*~~ *the poster, the factsheet, and the statements required in connection with display materials as referenced in subsection (a), and provide templates of them for use by retailers.*

(1) The informational poster shall be a maximum size of 11 inches by 17 inches;

(2) The informational factsheet shall be a maximum size of 5.5 inches by 11 inches (half-sheet of paper); and,

(3) The informational statements shall be printed in a space no smaller than 1 inch by 2.625 inches.

~~*required by Section 1103, subsections (a) and (b), for display materials and store posters, respectively. By that date, the Department of the Environment shall also adopt templates for display materials and store posters.*~~

~~*(c) The Department shall develop content for all of these materials that is based on and consistent with the relevant information provided by the FCC or other federal agencies having jurisdiction over cell phones, explaining the significance of the SAR value and potential effects of exposure to cell phone radiation. The materials shall also inform customers of actions that can be taken by cell phone users to minimize exposure to radiation, such as turning off cell phones when not in use, using a headset and speaker phone, or texting.*~~

(c) Should the scientific community or the FCC develop a new metric to measure the actual amount of radiofrequency energy an average user will absorb from each model of cell phone, the

Department of the Environment shall make recommendations to the Board of Supervisors for amendments to this Chapter to require notification to the public of this metric at the point of sale.

SEC. 1105. ~~*IMPLEMENTATION AND*~~ ENFORCEMENT.

~~*(a) During the period leading up to May 1, 2011, the Department of the Environment shall conduct an education and assistance program for formula cell phone retailers regarding the provisions of Section 1103(a), (b), and (d), and shall visit the retailers and assist them with meeting the requirements of the subsections.*~~

~~*(b) Notwithstanding those provisions of Section 1103(a), (b) and (d) applicable to all cell phone retailers other than formula cell phone retailers, requiring them to make certain disclosures and statements in connection with cell phone sales and leases, the City shall not enforce those provisions until August 1, 2012. During the period between the operative date for those requirements, February 1, 2012, and August 1, 2012, the Department of the Environment shall conduct an education and assistance program for those cell phone retailers, and shall visit the retailers and assist them with meeting the requirements of the subsections.*~~

(a) ~~*(c)*~~ The City Administrator shall issue a written warning to any person he or she determines is violating provisions of this Chapter or any regulation issued under this Chapter. If 30 days after issuance of the written warning the City Administrator finds that the person receiving the warning has continued to violate the provisions of the Chapter or any regulation issued under this Chapter, the City Administrator may impose administrative fines as provided below in subsections *(b), (c) and (d)* ~~*(d), (e), and (f)*~~.

(b) ~~*(d)*~~ Violation of this Chapter or any regulation issued under this Chapter shall be punishable by administrative fines in the amount of:

(1) Up to $100.00 for the first violation;

(2) Up to $250.00 for the second violation within a twelve-month period; and,

(3) Up to $500.00 for the third and subsequent violations within a twelve-month period.

(c) ~~(e)~~ Except as provided in subsection (b) ~~(d)~~, setting forth the amount of administrative fines, Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as may be amended form time to time, is hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued by the City Administrator to enforce this Chapter or any regulation issued under this Chapter. Violation of this Chapter is not a misdemeanor, and the Board of Supervisors intends that the requirements of this Chapter be enforced only through administrative fines as provided in this Section.

(d) ~~(f)~~ For purposes of this Chapter, each individual item that is sold or leased, or offered for sale or lease, contrary to the provisions of this Chapter or any regulation issued under this Chapter shall constitute a separate violation.

Section 3. **Additional Provisions**.

(a) **Disclaimer.** In adopting and implementing this Chapter, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) **Conflict with State or Federal Law.** This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Chapter shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by State or federal law at the time such agency or department action is taken.

(c) **Severability.** If any of the words, phrases, clauses, sentences, sections, or provisions of this ordinance or the application thereof to any person or circumstance are held invalid, the remainder of this ordinance's words, phrases, clauses, sentences, sections, or provisions, including the application of such part or provisions thereof to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

(d) **Environmental Findings.** The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110656 and is incorporated herein by reference.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA. 94102-4689

File Number: 110656 **Date Passed:** July 26, 2011

Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate Values for cell phone models.

July 11, 2011 City Operations and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 11, 2011 City Operations and Neighborhood Services Committee - RECOMMENDED AS AMENDED

July 19, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 26, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110656

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/3/11
Date Approved

FILE NO. 110714 ORDINANCE NO. 166-11

[Settlement of Lawsuit - Arash Ghanadan - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for $50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Arash Ghanadan, et al. v. City and County of San Francisco, et al.," San Francisco Superior Court, Court No. CGC-09-495308 by the payment of $50,000.

Section 2. The above-named action was filed in San Francisco Superior Court on December 18, 2009 and the following parties were named in the lawsuit: Plaintiff Arash Ghanadan and Defendants City and County of San Francisco, Officer Larry Bertrand and Chief of Police George Gascon.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

See File for Signature
JOANNE HOEPER
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

See File for Signature
GREGORY SUHR
Chief of Police

FUNDS AVAILABLE:

See File for Signature
BEN ROSENFIELD
Controller

APPROVED:

See File for Signature
SECRETARY
SAN FRANCISCO POLICE COMMISSION

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110714 **Date Passed:** August 02, 2011

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for $50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al.

July 21, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110714

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/3/11
Date Approved

FILE NO. 110694 ORDINANCE NO. 167-11

[Settlement of Lawsuit - Jorei Enterprises - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for $125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC, v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Jorei Enterprises, LLC, v. City and County of San Francisco," San Francisco Superior Court, Court No. CGC-10-506527, by the payment of $125,000 and mutual releases in connection with the conveyance of 351 California, San Francisco.

Section 2. The above-named action was filed in San Francisco Superior Court on December 21, 2010, and the following parties were named in the lawsuit: Plaintiff Jorei Enterprises, Defendant City and County of San Francisco.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

See File for Signature
JULIE VAN NOSTERN
Chief Tax Attorney

RECOMMENDED:

ASSESSOR-RECORDER'S OFFICE

See File for Signature
PHIL TING
ASSESSOR-RECORDER

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FUNDS AVAILABLE:

See File for Signature
BENJAMIN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110694 **Date Passed:** August 02, 2011

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for $125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco.

July 21, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110694

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/3/11
Date Approved

FILE NO. 110596 ORDINANCE NO. 168-11

[Settlement of Lawsuit - Shatese Stewart - $250,000]

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for $250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle all claims asserted by Shatese Stewart in the action entitled **Shatese Stewart v. City and County of San Francisco, et al.**, San Francisco Superior Court Case No. CGC-09-494967, by the payment of $250,000.00.

Section 2. The above-named action was filed in San Francisco Superior Court, Case No. CGC-09-494967, on March 25, 2010, and the following parties were named in the lawsuit: Shatese Stewart, Plaintiff; City and County of San Francisco and San Francisco International Airport, Defendants.

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

See File for Signature
ELIZABETH S. SALVESON
Chief Labor Attorney

APPROVED:

SAN FRANCISCO INTERNATIONAL AIRPORT

See File for Signature
JOHN L. MARTIN
Airport Director

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APPROVED AS TO FORM:

See File for Signature
SHERYL BREGMAN
Airport General Counsel

FUNDS AVAILABLE:

See File for Signature
BEN ROSENFIELD
Controller

ATTEST:

See File for Signature
JEAN CARAMATTI
Secretary
San Francisco Airport Commission

Resolution No. 11-0131
Adopted: May 17, 2011

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110596 **Date Passed:** August 02, 2011

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for $250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al.

July 21, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110596

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/3/11
Date Approved

FILE NO. 110769 ORDINANCE NO. 169-11

[Transportation Code - Car Share Vehicle Parking Restrictions]

Ordinance amending the San Francisco Transportation Code, Division I, Articles 7 and 8, Division I, by: 1) adding Section 7.2.52 to establish a violation for unauthorized vehicles to park in a designated car share parking space; and 2) amending Section 8.1 to permit the removal of vehicles parked in violation of Section 7.2.52.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110769 and is incorporated herein by reference.

Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by adding Section 7.2.52, to read as follows:

SEC. 7.2. INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to

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such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.52. CAR SHARE VEHICLE PARKING RESTRICTIONS.

To Park a vehicle in a Parking Space designated by the Municipal Transportation Agency's Board of Directors for the exclusive use of car share vehicles which have been issued a Car Share Vehicle Parking Permit by the Municipal Transportation Agency when Municipal Transportation Agency signs or markings are posted giving notice. Vehicles Parked in violation of this section are subject to removal pursuant to Section 8.1(a)(12) of this Code.

Section 3. Article 8 of the San Francisco Transportation Code is hereby amended by amending Section 8.1, to read as follows:

SEC. 8.1. CIRCUMSTANCES PERMITTING REMOVAL.

(a) ~~*When any legally required signage is posted giving notice, a*~~*A*ny Police Officer or Parking Control Officer is authorized, in accordance with all applicable requirements of this Code and the Vehicle Code, to remove or cause to have removed any vehicle that is:

(1) Parked in violation of Vehicle Code Section 22500, 22651 or 22652; (70, 70b) or

(2) Parked, disabled or abandoned in a manner as to obstruct the normal movement of pedestrian or vehicular traffic, or in a condition to create a hazard to other traffic in violation of Vehicle Code Sections 22651(b) or 22654(c); (70, 70(b), 71b, 159) or

(3) Not a motorcycle and is Parked in an area designated as motorcycle parking only; (27, 219) or

(4) Interfering with the use of any Street for purposes other than the normal flow of traffic in violation of signs posted at least 24 hours before such use is scheduled to begin, in accordance with Vehicle Code § 22654(d) or 22651(m); (193, 193.4) or

(5) Parked at a Stand when such vehicle is not within the class of vehicles authorized to use such Stand, or is Parked at a Stand outside of the hours that such vehicle is authorized to use a Stand; (33.5A) or

(6) Parked in such a manner that it blocks any entrance to any residence or blocks access to electric vehicle charging bays; (32.21, 32.21A, 32.22) or

(7) Parked in violation of any restriction or prohibition in Division II for which Division II authorizes removal of vehicles in accordance with Vehicle Code Section 22651(n); (32.4.1, 32.4.3, 27) or

(8) Parked in violation of a Parking restriction or prohibition posted at a curb painted white, yellow, green or red; (33.3, 38.B, 38.C) or

(9) Parked on a Street for 72 or more consecutive hours (3 days), except that no vehicle may be removed pursuant to this Section except in compliance with all procedural requirements of this Code; (37(a), 159, 159.10) or

(10) Parked in any Municipal Parking Facility in any manner which violates this Code, or which is left in a Municipal Parking Facility for more than 24 hours after the expiration of the period for which the parking fee was paid for that vehicle; (32.14, 32.19) or

(11) A bicycle left unattended in any manner that obstructs a sidewalk, street, alley, transit access or other public place. (219.2)

(12) Parked in a Parking Space designated by the Municipal Transportation Agency's Board of Directors for the exclusive use of car share vehicles which have been issued a Car Share Vehicle Parking Permit.

(b) Any peace officer or other employee authorized to enforce Port Regulations who finds any vehicle or animal unattended and standing or Parked in violation of Port Regulations may remove the vehicle or cause it to be removed to the nearest garage or such animal to the nearest place of safety. (220)

(c) Any peace officer who arrests the operator of a vehicle that is licensed as a charter-party carrier of passengers by the CPUC for operating as a taxicab may impound the vehicle in accordance with California Public Utilities Code §5411.5.

Section 4. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110769 **Date Passed:** August 02, 2011

Ordinance amending the San Francisco Transportation Code, Division I, Articles 7 and 8, by: 1) adding Section 7.2.52 to establish a violation for unauthorized vehicles to park in a designated car share parking space; and 2) amending Section 8.1 to permit the removal of vehicles parked in violation of Section 7.2.52.

July 25, 2011 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110769

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/3/11
Date Approved

FILE NO. 110592

Amended in Committee
7/18/2011

ORDINANCE NO. 170-11

[Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls]

Ordinance amending Sections 263.20, 712.1, 716.1, and 781.4 of the San Francisco Planning Code to 1) allow one additional **eating and drinking uses as principally permitted** ~~uses~~ **in the Inner Clement** ~~and Outer Clement~~ **Neighborhood Commercial Districts** ~~if the total street frontage dedicated to such uses does not exceed 30 percent~~ **and allow any additional eating and drinking use in that district** as conditionally **permitted** ~~uses if the total street frontage dedicated to such uses exceeds 30 percent~~; **2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial District with a conditional use permit; 3)** remove the prohibition on large fast-food **restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking** uses ~~establishments~~ **in the Geary Boulevard Fast-Food Subdistrict; 3**4) make **video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts;** 4) ~~permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue~~; **and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section. 1. **General Findings.**

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(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110592 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18409 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 18409 is on file with the Board of Supervisors in File No. 110592.

(c) This Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18409, and the Board hereby incorporates such reasons herein by reference.

Section 2. **Specific Findings.**

(a) As the main commercial corridors of the Richmond District, Geary Boulevard and Clement Street support a diverse and vibrant neighborhood with businesses that provide a mix and variety of goods and services to the Richmond neighborhood and City residents, including many small, locally owned businesses.

(b) Small, locally owned businesses provide a majority of jobs to San Francisco residents.

(c) Fostering, promoting and retaining small businesses is a policy priority of the City of San Francisco, as evidenced by the approval in November 1986 by the voters of Proposition M, now codified as Planning Code Section 101.1 and known as the City's Priority Policies, which call, inter alia, for the preservation of existing neighborhood serving retail.

(d) The approval, in November 2003 by the voters of Proposition D, which created a Chartered Small Business Commission (SBC) to oversee the Office of Small Business (OSB), also demonstrates the City's interest in preserving and promoting small, neighborhood serving businesses.

(e) There are four small, locally owned neighborhood serving pet supply stores within easy walking distance of ~~the~~ area of Geary Boulevard between 14th Avenue and 28th Avenue, constituting a local neighborhood serving industry.

(f) There are many well established, locally owned neighborhood serving eating and drinking establishments which help define the unique character of the Richmond District.

(g) The proliferation of formula retail uses, including eating and drinking uses and pet supply stores, aggravates parking and traffic congestion in this District by promoting car trips from outside the District to destination retail locations.

~~(h) An increase in the height limits along Geary Boulevard would be consistent with development patterns in other commercial corridors of the City, and would create incentives to use space more efficiently, particularly commercial space on the ground floor.~~

Section 3. The San Francisco Planning Code is hereby amended by amending Section 263.20, to read as follows:

SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN ~~NCT DISTRICTS~~ NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.

(a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and

usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) **Applicability.** The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located:

(A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street NCD;

(C) ~~in on~~ a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border; ~~or~~

(D) ~~on a NC-3 designated parcel fronting on Geary Boulevard from Scott Street to 28th Avenue; or~~

~~(E)~~ on a NC-1 designated parcel ~~with a commercial use on the ground floor~~ within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.

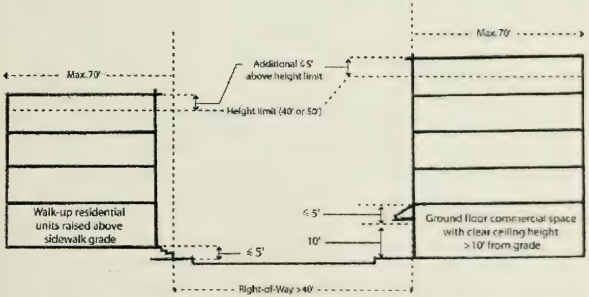
(3) project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level;

(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.



Section 4. The San Francisco Planning Code is hereby amended by amending Section 712, to read as follows:

SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3

ZONING CONTROL TABLE

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, ~~and on Geary Boulevard from Scott Street to 28th Avenue;~~ see § 263.20.
712.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1 (a)

712.15	Canopy	§ 790.26	P § 136.1 (b)
712.16	Marquee	§ 790.58	P § 136.1 (c)
712.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
712.21	Use Size *[Non-Residential]*	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159, 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
712.23	Off-Street Freight Loading	§§ 150, 153 – 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere

			§ 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(f)3
712.32	Other Signs	§§ 262, 602 – 604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					

712.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P #	P #	P #
712.41	Bar	§ 790.22	P#	P	
712.42	Full-Service Restaurant	§ 790.92	P#	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
712.45	Liquor Store	§ 790.55			
712.46	Movie Theater	§ 790.64	P	P	
712.47	Adult Entertainment	§ 790.36	C	C	
712.48	Other Entertainment	§ 790.38	P	P	
712.49	Financial Service	§ 790.110	P	P	
712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.116	P	P	P
712.53	Business or	§ 790.108	P	P	P

	Professional Service				
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C

712.67	Video Store	§ 790.135	PC	C	C
712.68	Fringe Financial Service	§ 790.111	P#		
712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
712.69C	Neighborhood Agriculture	§ 102.35 (a)	P	P	P
712.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
712.70	Administrative Service	§ 790.106	C	C	C
712.80	Hospital or Medical Center	§ 790.44	C	C	C

712.81	Other Institutions, Large	§ 790.50	P	P	P
712.82	Other Institutions, Small	§ 790.51	P	P	P
712.83	Public Use	§ 790.80	C	C	C
712.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
712.90	Residential Use	§ 790.88	P	P	P
712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
712.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
712.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151. 161(a) (g)		

712.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT **Boundaries:** Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 **Controls:** Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-service restaurants and self-service specialty food are C
§ 712.10 § 207.4 § 712.22 § 712.12	§ 790.4	MISSION-HARRINGTON SPECIAL USE DISTRICT **Boundaries:** Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11. **Controls:** Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.
§ 712.30 § 712.31 § 712.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT **Boundaries:** Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD

		Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	**Boundaries:** Applicable to NC-3 Districts **Controls:** A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.
§ 712.43	§ 781.4	GEARY BOULEVARD ~~*FAST-FOOD*~~ *FORMULA RETAIL PET SUPPLY STORE* AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT **Boundaries:** Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU **Controls:** *Formula Retail pet supply stores* and formula retail eating and drinking uses ~~*Large fast-food restaurants*~~ are NP
§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT **Boundaries:** Applicable only for the portion of the Mission Street NC-3 District between 15th ~~*Avenue*~~ *Street* and Randall Street as

		mapped on Sectional Map 7 SU **Controls:** Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT. **Boundaries:** Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU **Controls:** One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.
§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) **Boundaries:** The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries.

		Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 712.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.

Section 5. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

SEC. 716.1. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Clement Street Commercial District is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to

uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story entertainment uses. In order to maintain the street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

Housing development is encouraged in new buildings above the ground story. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Inner Clement Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 270, 271	40-X
716.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all

			residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1
716.14	Awning	§ 790.20	P § 136.1(a)
716.15	Canopy	§ 790.26	P § 136.1(b)
716.16	Marquee	§ 790.58	P § 136.1(c)
716.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
716.21	Use Size *[Non-Residential]*	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)

716.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
716.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2 (a)
716.25	Drive-Up Facility	§ 790.30	
716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
716.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
716.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	
716.31	Business Sign	§§ 262, 602 - 604, 608, 608	P § 607.1(f)2
716.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)
No.	**Zoning Category**	**§ References**	**Inner Clement Street**
			Controls by Story

		§ 790.118	1st	2nd	3rd+
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
716.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P	C	
716.41	Bar	§ 790.22	C#		
716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large Fast Food Restaurant	§ 790.90	*C#*		
716.44	Small Self-Service Restaurant	§ 790.91	*C#*		
716.45	Liquor Store	§ 790.55	C		
716.46	Movie Theater	§ 790.64	P		
716.47	Adult Entertainment	§ 790.36			
716.48	Other Entertainment	§ 790.38	C		
716.49	Financial Service	§ 790.110			
716.50	Limited Financial Service	§ 790.112	C		
716.51	Medical Service	§ 790.114	P	C	

716.52	Personal Service	§ 790.116	P	C	
716.53	Business or Professional Service	§ 790.108	P	C	
716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
716.55	Tourist Hotel	§ 790.46	C	C	
716.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
716.57	Automotive Gas Station	§ 790.14			
716.58	Automotive Service Station	§ 790.17			
716.59	Automotive Repair	§ 790.15			
716.60	Automotive Wash	§ 790.18			
716.61	Automobile Sale or Rental	§ 790.12			
716.62	Animal Hospital	§ 790.6	C		
716.63	Ambulance Service	§ 790.2			
716.64	Mortuary	§ 790.62			
716.65	Trade Shop	§ 790.124	P	C	

716.66	Storage	§ 790.117			
716.67	Video Store	§ 790.135	P<u>C</u>	C	
716.68	Fringe Financial Service	§ 790.111			
716.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
716.69A	Self-Service Specialty Food	§ 790.93	<u>C</u> #		
716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
716.69C	Neighborhood Agriculture	§ 102.35 (a)	P	P	P
716.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
716.70	Administrative Service	§ 790.106			
716.80	Hospital or Medical Center	§ 790.44			
716.81	Other Institutions, Large	§ 790.50	P	C	C
716.82	Other Institutions, Small	§ 790.51	P	P	P
716.83	Public Use	§ 790.80	C	C	C

716.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
716.90	Residential Use	§ 790.88	P	P	P
716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
716.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
716.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
716.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
716.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7	**Other**	**Zoning Controls**

Code Section	Code Section	
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District **Controls:** (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as an integral element of an establishment which is classified ~~*both as: (A) a full-service restaurant as defined in § 790.92 and (B)*~~ a bona-fide *eating place* ~~*restaurant*~~ as defined in § *790.142* ~~*781.8(c)*~~; and (2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a *full-service* restaurant ~~*pursuant to § 790.22*~~, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.

§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR BARS **Boundaries:** Applicable to the Inner Clement Street Neighborhood Commercial District **Controls:** (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.2, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and (2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.

§716.41 ~~and~~ 716.42, *716.43, 716.44, and 716.69A*	~~*§ 790.34 790.92 and 790.22*~~	INNER CLEMENT STREET *EATING AND DRINKING USES* ~~*FULL-SERVICE RESTAURANTS AND BARS*~~ **Boundaries:** Applicable to the Inner Clement Street Neighborhood Commercial District **Controls:** A One additional ~~*full-service*~~ eating and drinking use ~~restaurant or a bar~~ may be permitted as a *principal use* ~~if the total ground floor street frontage of~~ in *the Inner Clement Neighborhood Commercial District*, ~~dedicated to eating and drinking uses, as defined in Section 790.34, is less than 30% of the total street frontage of the district. If the total ground level street frontage dedicated to eating and drinking uses exceeds 30%, then~~ Any additional eating and drinking uses ~~food and drink uses~~ *may be approved with a* conditional use *authorization.* ~~*on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant or bar in accordance with the terms of this Section*~~

Section 6. The San Francisco Planning Code is hereby amended by amending Section 717.1, to read as follows:

SEC. 717.1. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Outer Clement Street Neighborhood Commercial District is located on Clement Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District. The shopping area contains small-scale convenience businesses, as well as many restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide clientele during the evening hours, while convenience shopping uses cater for the most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

The Outer Clement Street District controls are designed to promote development that is in keeping with the district's existing small-scale, mixed-use character. The building standards monitor large-scale development and protect rear yards at all levels. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage. Additional eating and drinking establishments are regulated to prevent over-concentration. ~~prohibited,~~ while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibitions of upper-story conversions and limitations on demolitions.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Outer Clement Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 270, 271	40-X
717.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
717.13	Street Frontage		Required § 145.1
717.14	Awning	§ 790.20	P § 136.1(a)
717.15	Canopy	§ 790.26	P § 136.1(b)
717.16	Marquee	§ 790.58	P § 136.1 (c)

717.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124 (a) (b)
717.21	Use Size *[Non-Residential]*	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
717.23	Off-Street Freight Loading	§§ 150, 153- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
717.25	Drive-Up Facility	§ 790.30	
717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

			§ 145.2(b)		
717.27	Hours of Operation	§ 790.48	P 6 a.m. - 11 p.m.; C 11 p.m. - 2 a.m.		
717.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609			
717.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f) 2		
717.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)		
No.	**Zoning Category**	**§ References**	**Outer Clement Street**		
			Controls by Story		
		§790.118	1st	2nd	3rd+
717.38	Residential Conversion	§ 790.84	P		
717.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
717.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P		
717.41	Bar	§ 790.22	C #		

717.42	Full-Service Restaurant	§ 790.92	C #		
717.43	Large Fast Food Restaurant	§ 790.90	C #		
717.44	Small Self-Service Restaurant	§ 790.91	C #		
717.45	Liquor Store	§ 790.55	C		
717.46	Movie Theater	§ 790.64	P		
717.47	Adult Entertainment	§ 790.36			
717.48	Other Entertainment	§ 790.38	C		
717.49	Financial Service	§ 790.110	C		
717.50	Limited Financial Service	§ 790.112	C		
717.51	Medical Service	§ 790.114	P		
717.52	Personal Service	§ 790.116	P		
717.53	Business or Professional Service	§ 790.108	P		
717.54	Massage Establishment	§ 790.60, § 1900 Health Code			
717.55	Tourist Hotel	§ 790.46			

717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
717.57	Automotive Gas Station	§ 790.14			
717.58	Automotive Service Station	§ 790.17			
717.59	Automotive Repair	§ 790.15			
717.60	Automotive Wash	§ 790.18			
717.61	Automobile Sale or Rental	§ 790.12			
717.62	Animal Hospital	§ 790.6	C		
717.63	Ambulance Service	§ 790.2			
717.64	Mortuary	§ 790.62			
717.65	Trade Shop	§ 790.124	P		
717.66	Storage	§ 790.117			
717.67	Video Store	§ 790.135	P ~~C~~	C	
717.68	Fringe Financial Service	§ 790.111			
717.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
717.69A	Self-Service Specialty	§ 790.93	C		

	Food		#_		
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.94			
717.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
717.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
717.70	Administrative Service	§ 790.106			
717.80	Hospital or Medical Center	§ 790.44			
717.81	Other Institutions, Large	§ 790.50	P	C	C
717.82	Other Institutions, Small	§ 790.51	P	P	P
717.83	Public Use	§ 790.80	C	C	C
717.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
717.90	Residential Use	§ 790.88	P	P	P
717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88 (a)	Generally, 1 unit per 600 sq. ft. lot area		

			§ 207.4		
717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
717.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
717.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
717.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

§§ 717.41, 717.42, 717.43, 717.44, and 717.69A	*§ 790.34*	*OUTER CLEMENT STREET EATING AND DRINKING USES* ***Boundaries:*** *Applicable to the Outer Clement Street Neighborhood Commercial District* ***Controls:*** An eating or drinking use ~~restaurant or a bar~~ *may be* ~~permitted as a principal use if the total ground floor street frontage of the Outer Clement Neighborhood Commercial District dedicated to~~

		~~eating and drinking uses, as defined in Section 790.34 is less than 30% of the total street frontage of the district. If the total ground level street frontage dedicated to eating and drinking uses exceeds 30%, then food and drink uses may be~~ *approved with conditional use authorization.*

Section 7. The San Francisco Planning Code is hereby amended by amending Section 781.4, to read as follows:

SEC. 781.4. GEARY BOULEVARD *FORMULA RETAIL PET SUPPLY STORE* AND FORMULA RETAIL EATING AND DRINKING ~~*FAST FOOD*~~ **SUBDISTRICT.**

In order to preserve the mix and variety of goods and services provided to the Richmond neighborhood and City residents and prevent further proliferation of *formula retail pet supply* stores and eating and drinking uses ~~*fast food restaurant* uses~~, and prevent further aggravation of parking and traffic congestion in this district, there shall be a Geary Boulevard *Formula Retail Pet Supply Store* ~~Fast Food~~ and Formula Retail Eating and Drinking ~~*Fast Food*~~ Subdistrict, generally applicable for the NC-3-zoned portion of Geary Boulevard between 14th and 28th Avenues, as designated on Sectional Maps 3SU and 4SU of the Zoning Map. The following provisions shall apply within such subdistrict:

(a) *A retail use, as defined in Section 790.102(g) of this Code, that is a pet supply store and also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be permitted in this subdistrict. For purposes of this section, a "pet supply store" shall be defined as a retail use which* ~~sells~~ devotes more than 50% of its occupied floor space to *pet food, toys, apparatus, and similar pet items* for sale. ~~*A large fast food restaurant, as defined in Section 790.90 of this Code, shall not be*~~

~~*permitted in this subdistrict.*~~ An eating and drinking use, as defined in Section 790.34 of this Code, that is also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be permitted in this Subdistrict.

(b) The provisions of Sections 180 through 186.1 of this Code shall govern *formula retail pet supply stores* and eating and drinking uses ~~*large fast food restaurants*~~ which existed lawfully at the effective date of this Code in this subdistrict.

Section 8. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ANDREA RUIZ-ESQUIDE
Deputy ~~City Attorney~~

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110592 **Date Passed:** August 02, 2011

Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to: 1) allow one additional eating and drinking use as principally permitted in the Inner Clement Neighborhood Commercial Districts and allow any additional eating and drinking use in that district as conditionally permitted; 2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial District with a conditional use permit; 3) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking uses in the Geary Boulevard Fast-Food Subdistrict; 4) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

July 18, 2011 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 18, 2011 Land Use and Economic Development Committee - CONTINUED AS AMENDED

July 25, 2011 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar and Mirkarimi
Noes: 3 - Chu, Elsbernd and Wiener

August 02, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar and Mirkarimi
Noes: 3 - Chu, Elsbernd and Wiener

File No. 110592

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/8/11
Date Approved

FILE NO. 110591 ORDINANCE NO. 171-11

[Settlement of Lawsuit - T-Mobile West Corporation]

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled *T-Mobile West Corporation v. City and County of San Francisco*, according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled *T-Mobile West Corporation v. City and County of San Francisco*, United States District Court for the Northern District of California, Case No. C-10-03011-CW, on the terms set forth in the Settlement Agreement on file with the Clerk of the Board of Supervisors in File No. 110591 which is hereby declared to be a part of this ordinance as if set forth fully herein. The Settlement Agreement specifies that the parties will enter a Stipulated Judgment requiring the City and County of San Francisco ("City") to approve a conditional use authorization enabling T-Mobile West Corporation ("T-Mobile") to construct a wireless facility at 725 Taraval Street that contains fewer antennas than the wireless facility that T-Mobile originally proposed and that the Board of Supervisors previously disapproved. A copy of the Stipulated Judgment is on file with the Clerk of the Board of Supervisors in File No. 110591, which is hereby declared to be a part of this ordinance as if set forth fully herein.

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Section 2. The above-named action was filed in the United States District Court for the Northern District of California on July 8, 2010, and the following parties are named in the lawsuit: plaintiff T-Mobile West Corporation and defendant City and County of San Francisco.

Section 3. As required by the Stipulated Judgment, the Board of Supervisors, acting pursuant to San Francisco Planning Code Sections 303, 711.83 and 790.80, approves a conditional use authorization enabling T-Mobile to install a wireless telecommunications facility at 725 Taraval Street, San Francisco, California consisting of four panel antennas mounted on the elevator penthouse structures of an existing mixed-use building, a maximum of 55'-0" above grade, with four related equipment cabinets installed within the underground garage. This authorization includes certain Conditions of Approval, which are on file with the Clerk of the Board of Supervisors in File No. 110591 and hereby declared to be a part of this ordinance as if set forth fully herein. This approval will become effective upon the Court's approval and entry of the Stipulated Judgment.

Section 4. The Board of Supervisors finds that the proposed settlement is in the best interests of the City for four reasons. First, the City will eliminate the risk and expense of further litigation (including a potential appeal). Second, by settling the case as proposed the City will be certain that T-Mobile's wireless facility at 725 Taraval Street will contain substantially fewer antennas than the facility disapproved by the Board. Third, T-Mobile's customers and others in the vicinity of 725 Taraval Street will be able to make better use of their wireless phones. Fourth, T-Mobile will agree as part of the settlement to abide by the standard Conditions of Approval used by the Planning Commission with conditional use permits for wireless facilities.

Section 5. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*). Said determination is on file with the Clerk of the Board of

Supervisors in File No. 110591, which determination is incorporated herein by this reference.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

See File for Signature
WILLIAM K. SANDERS
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110591 **Date Passed:** August 02, 2011

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled T-Mobile West Corporation v. City and County of San Francisco; according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings.

July 21, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - PASSED ON FIRST READING
Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim and Wiener
Noes: 4 - Avalos, Campos, Mar and Mirkarimi

August 02, 2011 Board of Supervisors - FINALLY PASSED
Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim and Wiener
Noes: 4 - Avalos, Campos, Mar and Mirkarimi

File No. 110591

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/2/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

8/8/11
Date Approved

FILE NO. 110506 Amended in Board 8/2/2011 ORDINANCE NO. 72-11

[Police Code, Planning Code, and Business and Tax Regulations Code - Limited Live Performance Permits]

Ordinance amending the San Francisco Police Code Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916; adding to the San Francisco Police Code Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1; amending the San Francisco Planning Code Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37; and amending the San Francisco Business and Tax Regulations Code Section 8 to: 1) create a Limited Live Performance Permit for indoor locales whose primary function is not presentation of live performances, said permit to include noise and hours restrictions but not necessarily security plan requirements; 2) to specify application and license fees and hearing requirements for said permit; and 3) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS.

(a) Currently, the San Francisco Police Code defines Entertainment broadly and requires all Places of Entertainment to obtain a Place of Entertainment Permit, without regard to such factors as whether the presentation of Entertainment is a secondary rather than primary purpose of the establishment, whether Entertainment is in the form of Live Performances, the hours during which Live Performances are presented, and the degree to

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which Live Performances are audible outside, if at all. Yet these factors directly relate to the degree and nature of regulation that is appropriate for an establishment at which Live Performances are presented, the costs the City incurs in regulating such establishments, and the impact they may have on the surrounding neighborhood. In general, establishments the primary purpose of which s not to present Entertainment, but that present Live Performances during evening hours only and without substantial noise emanating from the premises, do not present the same regulatory challenges or impose the same enforcement costs on the City as venues where Entertainment is presented under other circumstances. In particular, such establishments rarely present public safety or public nuisance concerns and rarely are the subject of police calls or neighbors' complaints.

(b) Currently, the San Francisco Planning Code generally treats any use that requires a Place of Entertainment Permit as an entertainment land use. This category of land use comprises a broad range of activities, from performances at regional destination nightclubs to acoustic folk-music performances at coffee houses. From a planning perspective, this one-size-fits-all approach is incongruous with the markedly different uses of land that are placed under the general rubric of entertainment land use. For example, a live guitarist playing background music at a neighborhood restaurant has little in common with a professional DJ playing dance music to a crowd of hundreds in a cavernous warehouse. It is appropriate to amend the Planning Code to recognize a distinction between these different types of entertainment uses, to enable the City to more widely permit those uses with no adverse impacts on a surrounding neighborhood, while restricting those entertainment uses which could have adverse neighborhood impacts.

(c) The costs associated with a Place of Entertainment Permit, such as application and license fees and expenses for staffing a security force, are often prohibitive for small businesses, such as restaurants, bars, cafes, art galleries, and nonprofit enterprises, that may

desire to present Live Performances on a limited basis, secondary to the main purpose of the establishment. As a result, such enterprises often forego presenting Live Performances, which results in lost employment opportunities for musicians and other performers, reduced earnings for the businesses affected, reduced tax revenues for the City, and reduced opportunities for residents and visitors to San Francisco to enjoy music and culture in their daily lives. In some cases, such enterprises do not forego presenting Live Performances, but instead operate in violation of Police Code provisions requiring a permit for the presentation of Entertainment, and thereby evade the existing regulatory process.

(d) Establishing a Limited Live Performance Permit, as defined and restricted in this ordinance, will enhance employment opportunities for musicians and other performers, increase earnings for businesses affected, increase City tax revenues, and increase opportunities for residents and visitors to enjoy music and culture in their daily lives. Establishing a Limited Live Performance Permit will further the goals of the City's Music and Culture Sustainability Policy as declared in Administrative Code Chapter 90A.

Section 2. ENVIRONMENTAL AND PLANNING FINDINGS.

(a) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110506 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 18395. Said resolution is on file with the Clerk of the Board of Supervisors in File No. 110506, and the resolution, including the reasons set forth therein, is incorporated herein by reference.

(c) The Planning Code amendments herein are consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18395, and the Board of Supervisors incorporates those reasons herein by reference.

Section 3. The San Francisco Police Code is hereby amended by amending Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916, to read as follows:

SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.

The following filing fees, payable in advance to the City and County of San Francisco, are required when submitting applications for permits to the Police Department or Entertainment Commission:

TYPE OF PERMIT .....FILING FEE	
Permit Amendment	257
Permit Renewal (unless otherwise specified)	600
Amusement Park	0
Antique Shop	943
Auto Wrecker	1,069
Ball or Ring Throwing Games	0
Balloon and Kite Advertising	0
Billiard Parlor	456
Bingo Games	257
Charitable Organizations - Certificate of Registration	

Sales Solicitations	130
Non-Sales Solicitations	99
Document Copies	25
ID Card	25
Circus	0
Closing-Out Sale	0
Commercial Parking (garage or lot)	455
Dance Hall Keeper	1,401
Amendment to Permit	660
One Night Dance	40
Dealer in Firearms and/or Ammunition	1,276
Renewal	364
Discharge of Cannon	636
Driverless Auto Rental	1,039
Encounter Studio	
Owner	725
Employee	202
Escort Service	
Owner	976
Employee	373
Extended Hours Permit	1,500

Amendment to Permit	660
Fortuneteller	0
Funeral Procession Escort	353
Insignia and Uniform	0
General Soliciting Agent	252
Itinerant Show	680
Itinerant Show/Nonprofit [Fee set by Police Code Section 1017.2	100
Junk Dealer	1,358
Junk Gatherer	
Resident	768
Nonresident	841
Licensed Tour Guide	
Owner - Buses	75
Owner - Other Motorized Vehicles	694
Owner - Bicycle/Segway/Other Mechanism	483
Owner - Walking	389
Employee	114
Limited Live Performance	*385*
Amendment to Permit	*129*
Loudspeaker	416
Vehicle	416

Masked Ball	779
Massage Establishment	1,684
Masseur/Masseuse	202
Trainee	202
Mechanical Amusement Devices	568
Mechanical Contrivance	568
Miniature Golf Course	586
Mobile Caterer	1,092
Additional Stop	257
Assistant	320
Transfer of Stop	820
Museum	645
Nude Models in Public Photographic Studio	
Owner	704
Employee	202
Off-Heliport Landing Site	667
One Time Event	255
Outcall Massage	462
Pawnbroker	925
Peddler	
Food for Human Consumption	824

Nonfood	551
Employee	161
Pedicab Driver	165
Pedicab Owner	
First Pedicab	446
Each Additional Pedicab	161
Photographer, Public Place	
Owner	634
Solicitor	415
Photographic Solicitor	
Owner	634
Employee	227
Place of Entertainment	1,500
Amendment to Permit	660
Poker	1,259
Amendment to Permit	257
Public Bathhouse	1,122
Public Outcry Sales	1,134
Recreational Equipment Vendor	408
Rodeo Exhibition/Wild West Show	651
Second Hand Dealer	925

Second Hand Dealer, Auto Accessories	1,075
Shooting Gallery	886
Skating Rink	693
Tow Car Driver	570
Tow Car Firm	1,013
Trade-In Dealer	1,039
Valet Parking	
Fixed Location	886
Annual Special Event	886
Vehicle for Hire, Nonmotorized	966
Advertising and notices	165
Backgrounds	66
Fingerprints	96

SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT COMMISSION.

The following license fees are payable to the Tax Collector for permits issued by the Police Department or Entertainment Commission and, when applicable, for their renewal:

Note: All license fees are at an annual rate unless otherwise indicated.

TYPE OF PERMIT .....LICENSE FEE	
Amusement Park.....	$0
Antique Shop	0

Auto Wrecker	488
Ball or Ring Throwing Games	136
Balloon and Kite Advertising	0
Billiard Parlor	
First Table	139
Each Additional Table	14
Bingo Game	66
Circus	0
Dance Hall Keeper	424
Dealer in Firearms and/or Ammunition	452
Discharge of Cannon ..... 49 per day	
Driverless Auto Rental	322
Encounter Studio	
Owner	510
Employee	58
Escort Service	
Owner	516
Employee	90
Extended Hours Permit	505
Fortuneteller	0
Funeral Procession Escort	0

General Soliciting Agent	88
Itinerant Show, Each Concession ..... 43 per day	
Junk Dealer	542
Junk Gatherer	
Resident	103
Nonresident	103
Licensed Tour Guide	
Owner - Buses, per vehicle	957
Owner - Other Motorized Vehicles, per vehicle	153
Owner - Bicycle/Segway/Other Mechanisms, per mechanism	153
Owner - Walking	153
Employee	26
Limited Live Performance	*139*
Loudspeaker	150
Masked Ball ..... 231 per day	
Massage Establishment	860
Masseur/Masseuse	119
Trainee ..... 119 per 90-day permit	
Mechanical Amusement Devices	
First Machine	279

Each Additional Machine	0
Mechanical Contrivance	0
Miniature Golf Course	164
Mobile Caterer	695
Assistant	49
Museum	206
Nude Models in Public Photographic Studio	
Owner	488
Employee	90
Off-Heliport Landing Site ..... 38 per day	
Outcall Massage	
Pawnbroker	535
Peddler	
Food for Human Consumption	747
Nonfood	199
Employee	81
Pedicab Driver	26
Pedicab Owner	0
Photographer, Public Place	
Owner	206
Solicitor	80

Photographic Solicitor	
Owner	166
Employee	80
Place of Entertainment	486
Poker	312
Public Bathhouse	436
Public Outcry Sales	294
Recreational Equipment Vendor	312
Rodeo Exhibition/Wild West Show	0
Second Hand Dealer	0
Second Hand Dealer, Auto Accessories	0
Shooting Gallery	0
Skating Rink	0
Tow Car Driver	34
Tow Car Firm	
First Tow Truck	546
Each Additional Tow Truck	217
Trade-In Dealer	613
Valet Parking	
Fixed Location	266
Annual Special Event	166

Vehicle for Hire, Nonmotorized	166

SEC. 1060. DEFINITIONS.

For the purposes of this Article, unless otherwise provided in this Article, the following words and phrases shall mean and include:

(a) "Any Sidewalk Abutting the Premises." The sidewalk not more than 50 feet from the premises of the Business that is located between the premises and a public street. For purposes of this definition, "premises" includes any immediately adjacent area that is owned, leased, or rented by the permit applicant or Permittee.

(b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious, benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to which admission is limited to members and guests if the revenue accruing therefrom is used exclusively for the benevolent purposes of said organization or agency, and if the organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(c) "Business." The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.

(d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316,

647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

(e) "Corrective Action." Action which includes, but is not limited to, the following:

(1) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.

(2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.

(3) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.

(f) "Director." The Executive Director of the Entertainment Commission or individual designated by the Director to act on his or her behalf.

(g) "Entertainment." Any of the following, except when conducted in a private residence:

(1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.

(2) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.

(3) A fashion or style show.

(4) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

(h) "Manager." The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.

(i) "Permittee." The Person to whom a permit has been issued under this Article.

(j) "Person." Any person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either.

(k) "~~*Police*~~ *Place* of Entertainment." Every premises to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished or occurs upon the premises.

(l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the ownership interest in a Business that result in a Person (who did not already have such a percentage interest) owning 50% or more of the Business, regardless of the form of ownership.

(m) "Security Guard." A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; or a person

who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers.

(n) "Security Plan." A plan that adequately addresses the safety of persons and property by (i) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (ii) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase "100 feet" in (iii) of this Subsection (n) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Subsection 1060(n) does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more

stringent requirements for a Security Plan as circumstances warrant. *The definition of Security Plan in this Subsection 1060(n) does not apply to Limited Live Performance Permits.*

(o) "Tax Collector." Tax Collector of the City and County of San Francisco.

(p) "Professional Entertainer." A person who is compensated for his or her performance. This definition does not restrict the definition of "Entertainment" in Subsection (g) and is relevant only to the extent the term "professional entertainer" is used in this Article.

(q) "Limited Live Performance Permit." A permit allowing a Limited Live Performance Locale to present Live Performances.

(r) "Limited Live Performance Locale." A locale with all the following features:

(1) The presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose.

(2) The locale is indoors, with an area in which Live Performances are presented that is no greater than 200 square feet.

(3) Live Performances presented at the locale conclude by 10 p.m., except as otherwise provided in Section 1060.38.1.

(4) The locale is not a private residence.

(5) Patrons or members are admitted to the locale, which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises.

(s) "Live Performance." Any act, play, review, pantomime, scene, song, dance act, song and dance act, poetry recitation, fashion or style show, or the playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments.

SEC. 1060.1. PERMIT REQUIRED.

(a) It shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any Place of Entertainment, *Limited*

Live Performance Locale, or One Time Event in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission.

(b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or permit to be conducted, operated, or maintained, a Place of Entertainment, *Limited Live Performance Locale,* or One Time Event for which a permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any period of time during which the permit has been suspended.

(c) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a Business as required under Section 1060.24(b) to fail to do so.

(d) Any place or premises where a Place of Entertainment Permit, *Limited Live Performance Permit,* or One Time Event Permit is sought must conform to all existing health, safety, zoning, and fire ordinances of the City and County of San Francisco, and must have a valid permit to operate (formerly referenced in this Article as a public eating place permit) from the Department of Public Health. The Entertainment Commission, including the Director in the case of a One Time Event Permit, may issue a permit under this Article conditional upon the applicant receiving the other required permits.

SEC. 1060.1-1. LICENSE FEES.

Every person granted a ~~p~~*P*lace of ~~e~~*E*ntertainment ~~p~~*P*ermit *or Limited Live Performance Permit* by the Entertainment Commission under this Article shall pay to the Tax Collector an annual license fee, payable in advance.

The license fee prescribed in this Section is due and payable on a calendar year basis, starting January 1st of each year. Fees for new permits issued after the first day of January of a particular year shall be prorated with regard to the calendar year on a monthly basis. The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of

this Code, and such amount shall be adjusted for inflation commencing with the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this Code.

SEC. 1060.7.1. SOLICITATION OF DRINKS OR MERCHANDISE.

No operator of a *pP*lace of *eE*ntertainment *or Limited Live Performance Locale* shall employ or permit any hostess, entertainer or person to solicit any patron or customer of or visitor in said *pP*lace of *eE*ntertainment *or Limited Live Performance Locale* to purchase any beverage or merchandise for the one soliciting or for any other person.

SEC. 1060.9. MISCELLANEOUS RULES.

No professional entertainer or employee may dance with any customer on the premises in any *pP*lace of *eE*ntertainment *or Limited Live Performance Locale*.

SEC. 1060.19. PERMIT FEE; EXEMPTIONS.

The provisions of Section 1060.2 relating to a permit fee shall not apply to any *pP*lace of *eE*ntertainment *or Limited Live Performance Locale* used exclusively for any of the following purposes:

(a) Places of *eE*ntertainment *or Limited Live Performance Locales* that are operated by any public agency or by any educational, recreational or social agency, or by any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political and civic welfare, to which admission is limited to members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

SEC. 1060.20.4. REVOCATION OF A PERMIT.

(a) Grounds for Revocation. The Entertainment Commission may revoke any ~~*Place of Entertainment or One Time Event P*~~permit issued under this Article if it determines after a public hearing that any of the following conditions exist:

(1) The Permittee has knowingly made any false, misleading, or fraudulent statement of material fact or has knowingly omitted a material fact in the application for a permit.

(2) The Permittee has failed to pay any fee or charge required under this Article.

(3) The Permittee has failed to surrender the permit as required by Section 1060.24(b).

(4) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and considerations of public safety warrant revocation of the permit. For purposes of this provision, "considerations of public safety" means a substantial risk of physical harm or injury to individuals. In determining whether considerations of public safety warrant revocation, the Commission shall evaluate the likelihood and seriousness of the threat to public safety that continued operation of the Business under the permit presents. In making its determination, the Commission shall consider the following factors: (i) the history of violence and other public safety problems associated with the operation of the Business; (ii) a pattern of the Permittee's noncompliance with Security Plan requirements imposed by law or as a condition of the permit; (iii) the frequency of the Permittee's violations of other provisions of law or permit conditions, which violations have contributed to violence or other public safety problems associated with the operation of the Business; (iv) the degree to which the Permittee's action or inaction has been responsible for violence and other public safety problems associated with the operation of the Business; and (v) the degree to which the City, through the Entertainment Commission, Director, Police Department, or otherwise, has notified the Permittee of violence or other public safety problems associated with the operation of the Business and/or of the need to take action to reduce such problems, and the promptness and efficacy of the Permittee's responses.

(5) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and revocation is warranted because the problems that those grounds have created have been serious and continuing, and the action or inaction of the Permittee contributing to those problems has been persistent; provided, that the circumstances warranting revocation under this provision would constitute a public nuisance within the meaning of Section 3480 of the California Civil Code.

(b) Hearing by Commission. The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall set forth the grounds for the proposed revocation and the date, time and location of the hearing.

(c) Application for Permit After Revocation. The revocation of a permit under this Article shall not preclude the Permittee from applying for a new permit under this Article, except that, notwithstanding any other provision of law, including but not limited to Section*s* 1060.5(f) *and 1060.5.1(f)*, revocation under Section 1060.20.4(a)(4) or Section 1060.20.4(a)(5) shall render the Permittee ineligible to apply for a new permit under this Article for one year from the date of revocation.

(d) When considering whether to revoke a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

SEC. 1060.24. ~~*PLACE OF ENTERTAINMENT*~~ PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE PARTNERS OR OTHER OWNERS.

(a) No Person may transfer a Place of Entertainment Permit *or Limited Live Performance Permit* ~~*issued under this Article*~~ to any other Person.

(b) If a Place of Entertainment Permittee *or Limited Live Performance Permittee* Sells the Business, the Permittee shall promptly surrender the permit to the Director. If the Permittee fails to surrender the permit to the Director, the Director may, after giving the Permittee notice by mail and electronically of the proposed action and an opportunity to respond, revoke the permit.

(c) Notwithstanding Subsections (a) and (b) of this Section, a Permittee may change partners, shareholders, or other owners of a Business provided that (1) the sale or other transfer of ownership results in a Person owning no more than 50% of the Business, regardless of the form of ownership, and (2) the Permittee obtains an amendment to the Permit as provided in this Section. If the transfer of ownership does not result in any Person (who did not already have such a percentage interest) having an ownership interest of ten percent or more, the Permittee is not required to obtain a permit amendment.

(d) A Permittee seeking to amend a permit as required under this Section shall pay the filing fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant shall provide that portion of the information sought under Section 1060.3 or *1060.3.1* for an application that the Director requires.

(e) The Director shall determine within 30 days of the filing of a complete application to amend a permit whether to approve it. The Director shall approve the application unless he or she determines that denial is warranted under any of the grounds set forth in Section 1060.5(f) *or 1060.5.1(f)* and shall notify the Permittee and Manager of the approval electronically and either by mail or personal delivery.

(f) If the Director determines that disapproval of the application may be warranted under Section 1060.5(f) *or 1060.5.1(f)*, the Director shall schedule a hearing on the matter for

the next regularly scheduled meeting of the Entertainment Commission. The Director shall promptly provide written notice of the hearing to the Permittee and the Manager by mail and electronically.

(g) The Entertainment Commission shall determine whether to approve the application according to the standards governing the initial application set forth in Section 1060.5(f) *or 1060.5.1(f)*.

SEC. 1060.35. RESPONSIBLE PERSON ON PREMISES.

At any time a Business is open for operation as a Place of Entertainment *or Limited Live Performance Locale*, there shall be at least one person on the premises who is responsible for the operation of the Business and who is readily available to respond to and interact with Police Officers, the Director, or any other City employee or official. The Entertainment Commission, in consultation with the San Francisco Police Department, shall develop rules and regulations to further implement this requirement.

SEC. 2901. DEFINITIONS.

(a) "Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A " weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) Forty-five dBA in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources of noise that contribute cumulatively to the sound level and may be operating continuously during the minimum ten-minute measurement period, determination of the ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound level.

(b) "Director" means the Director or department head of any City department having administrative or enforcement responsibilities under this Article or any other provision of the Municipal Code regarding noise control, as well as his or her designee.

(c) "Dwelling Unit" means (1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping; (2) a room in group housing, even if such room lacks private cooking facilities and private plumbing facilities, such as rooms in senior citizen housing, single room occupancy or residential hotels, dorms, hostels, or shelters; or, (3) a housekeeping room as defined in the Housing Code.

(d) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service. This term shall not include testing of emergency equipment.

(e) "Fixed source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.

(f) "Low frequency ambient" means the lowest sound level repeating itself during a ten-minute period as measured with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Forty-five dBC for interior residential noise, and (2) Fifty-five dBC in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources that would otherwise be operating continuously

during the minimum ten-minute measurement period, determination of the low-frequency ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound.

(g) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter. In order to measure a noise level, the controls of the sound level meter should be arranged to the setting appropriate to the type of noise being measured. For example, the settings should be slow response for continuous noise sources and fast response for noises with rapid onset and decline.

(h) "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

(i) "Place of Entertainment" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(j) "Powered construction equipment" means any tools, machinery, or equipment used in connection with construction operations which can be driven by energy in any form other than manpower, including all types of motor vehicles when used in the construction process of any construction site, regardless of whether such construction site be located on-highway or off-highway, and further including all helicopters or other aircraft when used in the construction process except as may be preempted for regulation by State or Federal law.

(k) "Property plane" means a vertical plane including the property line that determines the property boundaries in space.

(l) "Public Property " means property leased or owned by a governmental entity, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground located within the City and County of San Francisco.

(m) "Residential Property" means any property that has at least one dwelling unit and has been approved for human habitation by the City and County of San Francisco.

(n) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.

(o) "Limited Live Performance Locale" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

SEC. 2909. NOISE LIMITS.

(a) **Residential Property Noise Limits.**

(1) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on residential property over which the person has ownership or control, a noise level more than five dBA above the ambient at any point outside of the property plane.

(2) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on multi-unit residential property over which the person has ownership or control, a noise level more than five dBA above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) **Commercial And Industrial Property Noise Limits.** No person shall produce or allow to be produced by any machine or device, music or entertainment or any combination of

same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment *or licensed Limited Live Performance Locale*, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment *or licensed Limited Live Performance Locale* shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(c) **Public Property Noise Limits.** No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more, unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.

(d) **Fixed Residential Interior Noise Limits.** In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

(e) **Noise Caused By Activities Subject To Permits From the City and County of San Francisco.** None of the noise limits set forth in this Section apply to activity for which the City and County of San Francisco has issued a permit that contains noise limit provisions that are different from those set forth in this Article.

SEC. 2916. ENFORCEMENT.

The Director of Public Health may enforce the provisions of Section 2904, 2909, and 2912 of this Article.

The Department of Building Inspection may enforce the provisions of Sections 2907 and 2908 of this Article insofar as said provisions relate to construction operations conducted on private property under appropriate permits issued pursuant to the San Francisco Building Code, Housing Code, Electrical Code and Plumbing Code. Insofar as these provisions relate to construction operations conducted on publicly-owned property subject to the police power of the City and County of San Francisco, the Department of Public Worlds may enforce the provisions of Sections 2907 and 2908 of this Article. The Executive Director of the Entertainment Commission may enforce noise standards associated with licensed Places of Entertainment *and licensed Limited Live Performance Locales*.

The Chief of Police may enforce the provisions of this Article that relate to noise created by humans or any other noise source not specifically assigned or designated to another Department or Agency.

Section 4. The San Francisco Police Code is hereby amended by adding Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1, to read as follows:

SEC. 1060.2.1. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) Every Person seeking a Limited Live Performance Permit, or an amendment to such a permit, shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this Code.

(b) The Director shall send the application to the San Francisco Police Department and the Planning Department. Those departments shall complete all necessary inspections and report their

determinations to the Entertainment Commission within 20 City business days of receiving the application.

SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE PERMIT.

An application for a Limited Live Performance Permit shall specify the following and be signed under penalty of perjury:

(a) The name and street address of the Business for which the permit is sought.

(b) The name and address of the applicant as follows:

(1) If the applicant is a corporation, the name of the corporation exactly as shown in its articles of incorporation; the date and place of incorporation; and the name and address of each officer and director.

(2) If the applicant is a Person other than a publicly traded company, the name and address of every Person that directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in that Person.

(c) The name of and contact information for the Manager who shall directly, or through designees, be on the premises during all hours of operation.

(d) The name and address of each Person who appears on the business registration certificate for the Business for which a permit is sought.

(e) The name and address of each Person to whom the Department of Alcoholic Beverage Control has issued a license for the Business for which a permit is sought.

(f) The names and addresses of the Persons who have or will have authority or control over the Business and a brief statement of the nature and extent of such authority and control, if the applicant has not otherwise provided this information in the application.

(g) The name and address of the Person authorized to accept service of process.

(h) A plan for the Business to operate as a Limited Live Performance Locale, specifying the days and hours of operation, the number of employees and their duties, the number of patrons, a

statement certifying that the Business shall comply with the maximum occupancy load for the space as established under the San Francisco Building and Fire Codes, the types or classes of live performances (in terms of the types of instruments, numbers of performers, and sound levels) to be provided, and the amount of parking, both on and off-site, to be provided. If sound amplification is to be used, the plan shall also include a specific description of the amplification system.

(i) Such further information as the Entertainment Commission requires regarding financial and lease arrangements and management, authority, and operational control of the Business or its premises when the information will assist the Commission in its determination whether to grant or deny the permit.

SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR A LIMITED LIVE PERFORMANCE PERMIT.

(a) The applicant shall file the application for a Limited Live Performance Permit with the Director. The Director may require that the applicant or the applicant's agent file the application in person. Upon determining that an application is complete, the Director shall accept and file it and shall schedule a public hearing before the Entertainment Commission to determine whether the permit should be granted. The Director shall provide written notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30 days before the date of the hearing.

(b)(1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted on the premises of the Business for at least 30 days before the scheduled hearing date. The Director shall promptly provide notice of the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

(2) The Director shall provide a copy of all Limited Live Performance Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such

applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.

(23) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall promptly provide notice of the continued hearing electronically or by mail to any Person who has filed a written request for such notice.

(34) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.

(c) At the hearing on the application, the applicant and any other interested party, including the Police Department or any other public agency, may introduce evidence and present argument relating to the standards for review under Subsection (f).

(d) The Entertainment Commission shall hold a hearing and determine whether to grant or deny the permit within 45 City business days of the date that the applicant has submitted a complete application under Section 1060.5-1(a), except that this 45 day period shall be extended for such period or periods of time that apply under any of the following circumstances:

(1) If the Entertainment Commission finds that an extension of time is necessary to obtain additional information for its review of the application under the standards set forth in Subsection (f) of this Section, the time period shall be extended for an additional amount of time as the Commission determines appropriate, up to 15 additional days.

(2) Upon the applicant's request, the Entertainment Commission shall continue the hearing for an additional period of time to allow the applicant an opportunity to comply with the requirements of this Article, in which case the time period is extended for that additional period.

(3) If the applicant fails to post or maintain notice of the hearing as required by Subsection (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued for such period or periods of time that the Director determines necessary for the applicant to comply with the posting requirement, in which case the time period is extended for that additional period or periods of time.

(4) If the Director finds that the Commission is unable to meet during the 45-day time period or any permitted time extension due to exigent circumstances, the time period shall be extended until the Commission is able to meet; the Commission shall consider the matter at the first meeting that it conducts following such circumstances.

(e)(1) If the permit applicant has not obtained all permits required for the Business from other City departments by the date of the hearing on the application, the Entertainment Commission may grant a conditional permit pending the issuance of the other required City permits; provided, however, the Commission shall take this action only if sufficient information has been provided to allow for adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not present. Any permit conditionally granted by the Entertainment Commission under this Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person may operate a Business for which a permit has been conditionally granted unless and until the Person has obtained all permits and authorizations required from other City departments.

(2) If the Entertainment Commission does not grant, conditionally grant or deny the permit for a Limited Live Performance Locale within the time required by Subsection (d), including any extensions of time provided for therein, the permit sought by the applicant shall be deemed granted, conditioned on the requirements that the Permittee obtain all required permits from other City departments within nine months and comply with all the requirements of this Article. The time by

which the Entertainment Commission must act commences on the date that the applicant has filed a completed application under Section 1060.5-1(a).

(f) The Entertainment Commission shall grant or conditionally grant a Limited Live Performance Permit pursuant to this Article unless it finds that:

(1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or

(2) The establishment does not qualify as a Limited Live Performance Locale as defined in Section 1060(r); or

(3) The presentation of Live Performances at the Limited Live Performance Locale will (i) generate the type and volume of vehicle and pedestrian traffic that will cause substantial congestion, (ii) adversely affect the safety and security of persons, (iii) impede the orderly dispersal of individuals and traffic, or (iv) otherwise substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property due to excessive noise or any other factor. The Commission may impose conditions on the permit, including a security plan or time, place, and manner restrictions, if necessary and appropriate to guard against these adverse effects. The Limited Live Performance Permit is subject to Article 29 of the Police Code, regulating noise.

(g) If there is an unresolved citation applicable to the premises that has been issued by a City department, the Entertainment Commission shall not grant the permit without documented authorization from the department that issued the citation.

(h) In considering whether to make any of the findings stated in Subsections (f)(1)-(3), or to impose conditions on a Limited Live Performance Permit, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.

(i) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void.

SEC. 1060.38. RELATIONSHIP OF LIMITED LIVE PERFORMANCE PERMIT TO OTHER PERMITS.

(a) A Person may not simultaneously hold a Place of Entertainment Permit and a Limited Live Performance Permit for the same location.

(1) If a Person holds a Place of Entertainment Permit and applies for a Limited Live Performance Permit for the same location, and the Commission grants the application, the Limited Live Performance Permit shall become operative only upon the Person's relinquishment of the Place of Entertainment Permit.

(2) If a Person holds a Limited Live Performance Permit and applies for a Place of Entertainment Permit for the same location, and if the Commission grants the application, the Place of Entertainment Permit shall become operative only upon the Person's relinquishment of the Limited Live Performance Permit.

(b) Subject to the requirements of the Planning Code, the Commission may issue a One Time Event Permit to the holder of a Limited Live Performance Permit, provided that the standards for issuance of the One Time Event Permit are met, including but not limited to the maximum number of such permits that may be issued for a venue under Subsection1060.29(d).

(c) Subject to the requirements of the Planning Code, the Commission may issue an Extended-Hours Premises Permit to the holder of a Limited Live Performance Permit, provided that the standards for issuance of the Extended-Hours Premises Permit are met.

SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) Notwithstanding Section 1060(r)(3), and except as provided in subsection (b), below, *at any time after a year has elapsed since the granting of a Limited Live Performance Permit, the Director may, upon application of the Permittee, extend the hours during which Live Performances may be presented at the Limited Live Performance Locale to any time between 10:00 p.m. and 11:00 p.m., inclusive, on the basis that there have been no significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the Limited Live Performance Permit. If the Director denies the application for an extension of hours, the Permittee may appeal the Director's decision to the Entertainment Commission, and the process for notifying the Permittee of the Director's decision and providing an appeal right to the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).*

(b) No extension may be granted as provided in subsection (a), above, for Limited Live Performance Permits granted in the following areas: the North Beach Neighborhood Commercial District as defined in Planning Code Section 722.1; and the Polk Street Neighborhood Commercial District as defined in Planning Code Section 723.1; the Union Street Neighborhood Commercial District as defined in Planning Code Section 725.1; the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and the north side of Lombard Street, between Fillmore Street and Divisadero Street.

(b~~c~~) If, following the Director's granting, pursuant to Subsection (a), an extension of hours during which Live Performances may be presented at a Limited Live Performance Locale, there are significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the Limited Live Performance Permit, the Director may reduce the hours during which Live Performances may be presented at the establishment to an earlier time, but no earlier than 10:00 p.m. The process for notifying the Permittee of the Director's order and providing an appeal right to

the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).

(cd) This Section shall not limit the permitting, suspension, revocation, or other powers of the Director or Entertainment Commission.

Section 5. The San Francisco Business and Tax Regulations Code is hereby amended by amending Section 8, to read as follows:

SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.

Except for variance decisions and place of entertainment, *limited live performance,* extended hours premises, and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of Appeals shall be taken within 15 days from the making or entry of the order or decision from which the appeal is taken. Appeals of variance decisions shall be taken within 10 days.

Appeals of actions taken on the granting, denial, amendment, suspension, or revocation of a Place of Entertainment, *Limited Live Performance,* One Time Event, or Extended-Hours Premises Permit, or on denial of exceptions from regulations for Extended-Hours Premises Permit, shall be taken within 10 days from the making of the decision. Nothing in this Section is intended to require an appeal to the Board of Appeals if any provision of Article 15.1 (Entertainment Regulations Permit and License Provisions) or Article 15.2 (Entertainment Regulations for Extended-Hours Premises) of the Police Code governing these permits otherwise provides. Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to said Board at such time a filing fee as follows:

(a) Zoning Administrator, Planning Department, Director of Planning and Planning Commission.

(1) For each appeal from the Zoning Administrator's variance decision the fee shall be $600.

(2) For each appeal from any order, requirement, decision or other determination (other than a variance) made by the Zoning Administrator, the Planning Department or Commission or the Director of Planning, including an appeal from disapproval of a permit which results from such an action, the fee shall be $600.

(b) Department of Building Inspection.

(1) For each appeal from a Department of Building Inspection denial, conditional approval or granting of a residential hotel or apartment conversion permit the fee shall be $525.

(2) For each appeal from the granting or denial of a building demolition, or other permit (other than residential hotel conversion) the fee shall be $175.

(3) For each appeal from the imposition of a penalty only the fee shall be $300.

(c) Police Department and Entertainment Commission.

(1) For each appeal from the denial or granting of a permit or license issued by the Police Department or Entertainment Commission to the owner or operator of a business the fee shall be $375; for each such permit or license issued to an individual employed by or working under contract to a business, the fee shall be $150.

(2) For each appeal from the revocation or suspension of a permit or license by the Police Department or Entertainment Commission the fee shall be $375 for an entity or individual.

(d) Department of Public Works. For each appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission, or department the fee shall be $100.

(e) For each appeal from any other order or decision the fee shall be $300.

(f) For requests for rehearing under Section 16 of this Article the fee shall be $150.

(g) For requests for jurisdiction the fee shall be $150.

(h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d), (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a declaration of indigency on the form provided and approved by the Board. All agencies of the City and County of San Francisco are exempted from these fees.

(i) Additional Requirements.

(1) Notice of appeal shall be in such form as may be provided by the rules of the Board of Appeals.

(2) On the filing of any appeal, the Board of Appeals shall notify in writing the department, board, commission, officer or other person from whose action the appeal is taken of such appeal. On the filing of any appeal concerning a structural addition to an existing building, the Board of Appeals shall additionally notify in writing the property owners of buildings immediately adjacent to the subject building.

(3) The Board of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedestal newsrack permit, a place of entertainment permit, *a limited live performance permit,* or an extended-hours premises permit, the Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.

(4) With respect to any decision of the Board of Appeals related to any "dwelling" in which "protected class members" are likely to reside (each as defined in Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code Chapter 87 which requires, among other things, that the Board of Appeals not base any

decision regarding the development of such units on information which may be discriminatory to any member of a "protected class."

(5) Pending decision by the Board of Appeals, the action of such department, board, commission, officer or other person from which an appeal is taken, shall be suspended, except for (1) actions of revocation or suspension of permit by the Director of Public Health when determined by the Director to be an extreme public health hazard and (2) actions by the Zoning Administrator or Director of the Department of Building Inspection stopping work under or suspending an issued permit, and (3) actions of suspension or revocation by the Entertainment Commission or the Director of the Entertainment Commission of a Place of Entertainment, *Limited Live Performance,* One Time Event, or Extended-Hours Premises permit when the suspending or revoking authority determines that ongoing operation of the activity during the appeal to the Board of Appeals would pose a serious threat to public safety.

Section 6. The San Francisco Planning Code is hereby amended by amending Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37, to read as follows:

SEC. 102.17. NIGHTTIME ENTERTAINMENT USES.

Nighttime entertainment uses shall include dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require ~~*dance hall keeper police permits or p*~~Place of ~~*e*~~Entertainment *or Limited Live Performance* ~~police~~ permits, *as defined in Section 1060 of the Police Code,* which are not limited to non-amplified live entertainment, including restaurants and bars which present such activities, but shall not include any arts activities or space as defined in Section 102.2 of this Code, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through 205.3 of this Code.

SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each district class.

(a) Use Categories. The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

No.	Zoning Control Categories for Uses	Section Number of Use Definition
.24	Outdoor Activity Area	§ 790.70
.25	Drive-Up Facility	§ 790.30
.26	Walk-Up Facility	§ 790.140
.27	Hours of Operation	§ 790.48
.38	Residential Conversion	§ 790.84
.39	Residential Demolition	§ 790.86
.40	Other Retail Sales and Services	§ 790.102
.41	Bar	§ 790.22
.42	Full-Service Restaurant	§ 790.92
.43	Large Fast-Food Restaurant	§ 790.90
.44	Small Self-Service Restaurant	§ 790.91
.45	Liquor Store	§ 790.55

.46	Movie Theater	§ 790.64
.47	Adult Entertainment	§ 790.36
.48	Other Entertainment	§ 790.38
.49	Financial Service	§ 790.110
.50	Limited Financial Service	§ 790.112
.51	Medical Service	§ 790.114
.52	Personal Service	§ 790.116
.53	Business or Professional Service	§ 790.108
.54	Massage Establishment	§ 790.60
.55	Tourist Hotel	§ 790.46
.56	Automobile Parking	§ 790.8
.57	Automotive Gas Station	§ 790.14
.58	Automotive Service Station	§ 790.17
.59	Automotive Repair	§ 790.15
.60	Automotive Wash	§ 790.18
.61	Automobile Sale or Rental	§ 790.12
.62	Animal Hospital	§ 790.6
.63	Ambulance Service	§ 790.2
.64	Mortuary	§ 790.62
.65	Trade Shop	§ 790.124
.66	Storage	§ 790.117

.67	Video Store	§ 790.135
.68	Fringe Financial Service	§ 790.111
.69A	Self-Service Specialty Food	§ 790.93
.70	Administrative Service	§ 790.106
.80	Hospital or Medical Center	§ 790.44
.81	Other Institutions, Large	§ 790.50
.82	Other Institutions, Small	§ 790.51
.83	Public Use	§ 790.80
.84	Medical Cannabis Dispensary	§ 790.141
.90	Residential Use	§ 790.88
.95	Community Residential Parking	§ 790.10

(b) Use Limitations. The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each district class.

(1) Permitted Uses. All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and loading and other uses listed below which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a

partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

(A) Principal Uses. Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for each district class.

(B) Conditional Uses. Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 710.10 through 729.95. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) Accessory Uses. Except as prohibited in Section 728 and subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot. Any use which does not qualify as an accessory use shall be classified as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use will be considered accessory to a permitted principal or conditional use which involves or requires any of the following:

(i) The use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

(ii) Any bar~~,~~ *or* restaurant, ~~*other entertainment,*~~ or any *other* retail establishment which serves liquor for consumption on-site;

(iii) Any take-out food use, as defined in Section 790.122, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a general grocery or specialty grocery store;

(iv) Any take-out food use, as defined in Section 790.122, except for a take-out food use operating as a minor and incidental use within a full-service restaurant;

(v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

(vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor sales for the consumption off the premises with a State of California Alcoholic Beverage Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general) which occupy less that 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages) in a general grocery store, specialty grocery store, or self-service specialty food use.

The foregoing rules shall not prohibit take-out food activity which operates in conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a self-service restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(vii) Any other entertainment use, as defined in Section 790.38, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.

(D) Temporary Uses. Temporary uses are permitted uses, subject to the provisions set forth in Section 205 of this Code.

(2) Not Permitted Uses.

(A) Uses which are not specifically listed in this Article are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(B) No use, even though listed as a permitted use, shall be permitted in a Neighborhood Commercial District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(C) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229 Except in the SoMa NCT, where these uses are permitted accessory uses.

SEC. 790.38. ENTERTAINMENT, OTHER.

A retail use, other than adult entertainment, as defined in Section 790.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or ~~*operates as a dance hall which*~~ provides amplified taped music for dancing on the premises, including but not limited to *Places of Entertainment and Limited Live Performance Locales*, as ~~*those*~~ defined in Section 1060 of the Police Code, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 790.4 of this Code and regulated in Section 1036 of the Police Code.

SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use

District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this Code for each district class.

(a) Use Categories. The uses, functions, or activities, which are permitted in each Chinatown Mixed Use District class include those listed in Table 803.2 below by zoning control category and numbered and cross-referenced to the Code Section containing the definition.

TABLE 803.2 USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS

No.	Zoning Control Categories for Uses	Section Number of Use Definition
803.2.24	Outdoor Activity Area	§ 890.71
803.2.25	Drive-Up Facility	§ 890.30
803.2.26	Walk-Up Facility	§ 890.140
803.2.27	Hours of Operation	§ 890.48
803.2.38a	Residential Conversion, Residential Hotels	§ 890.84
803.2.38b	Residential Demolition, Residential Hotels	§ 890.86
803.2.39a	Residential Conversion, Apartments	§ 890.84
803.2.39b	Residential Demolition, Apartments	§ 890.86
803.2.40a	Other Retail Sales and Services	§ 890.102
803.2.40b	Gift Store—Tourist-Oriented	§ 890.39
803.2.40c	Jewelry	§ 890.51
803.2.41	Bar	§ 890.22
803.2.42	Full-Service Restaurant	§ 890.92
803.2.43	Fast-Food Restaurant—Small	§ 890.90
803.2.44	Fast-Food Restaurant—Large	§ 890.91

803.2.45	Take-Out Food	§ 890.122
803.2.46	Movie Theater	§ 890.64
803.2.47	Adult Entertainment	§ 890.36
803.2.48	Other Entertainment	§ 890.37
803.2.49	Financial Service	§ 890.110
803.2.50	Limited Financial Service	§ 890.112
803.2.51	Medical Service	§ 890.114
803.2.52	Personal Service	§ 890.116
803.2.53	Professional Service	§ 890.108
803.2.54	Massage Establishment	§ 890.60
803.2.55	Tourist Hotel	§ 890.46
803.2.56	Automobile Parking Lot, Community Commercial	§ 890.9
803.2.57	Automobile Parking Garage, Community Commercial	§ 890.10
803.2.58	Automobile Parking Lot, Public	§ 890.11
803.2.59	Automobile Parking Garage, Public	§ 890.12
803.2.60	Automotive Gas Station	§ 890.14
803.2.61	Automotive Service Station	§ 890.18
803.2.62	Automotive Repair	§ 890.15
803.2.63	Automotive Wash	§ 890.20
803.2.64	Automobile Sale or Rental	§ 890.13
803.2.65	Animal Hospital	§ 890.6
803.2.66	Ambulance Service	§ 890.2
803.2.67	Mortuary	§ 890.62
803.2.68	Trade Shop	§ 890.124

803.2.70	Administrative Service	§ 890.106
803.2.71	Light Manufacturing, Wholesale Sales or Storage	§ 890.54
803.2.72	Fringe Financial Service	§ 890.113
803.2.73	Business Services	§ 890.111
803.2.80	Hospital or Medical Center	§ 890.44
803.2.81	Other Institutions	§ 890.50
803.2.82	Public Use	§ 890.80
803.2.90	Residential Use	§ 890.88
803.2.95	Automobile Parking Lot, Community Residential	§ 890.7
803.2.96	Automobile Parking Garage, Community Residential	§ 890.8
803.2.97	Tobacco Paraphernalia Establishments	§ 890.123

(b) Use Limitations. Uses in Chinatown Mixed Use Districts are either permitted, conditional, accessory, temporary, or are not permitted.

(1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be conducted within an enclosed building, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: accessory off-street parking and loading; uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 890.71 of this Code; and uses which by their nature are to be conducted in an open lot or outside a building, as described in Sections 890 through 890.140 of this Code.

If there are two or more uses in a structure and none is classified under Section 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) Principal Uses. Principal uses are permitted as of right in a Chinatown Mixed Use District, when so indicated in Sections 810.1 through 812.96 of this Code for each district class.

(B) Conditional Uses. Conditional uses are permitted in a Chinatown Mixed Use District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions set forth in Section 303 of this Code.

(i) An establishment which sells beer and wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Any use or feature which lawfully existed and was permitted as a principal or conditional use on the effective date of these controls which is not otherwise nonconforming or noncomplying as defined in Section 180 of this Code, and which use or feature is not permitted under this Article is deemed to be a permitted conditional use subject to the provisions of this Code.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iv) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(v) Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review hearing by the Planning Commission; Section 311 notice is

required for a building of less than four units. In approving installation of the garage, the Planning Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in Section 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, and (4) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) above.

(C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an accessory use when located on the same lot. Any use not qualified as an accessory use shall only be allowed as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use in a Chinatown Mixed Use District will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than 1/3 of the total floor area occupied by both the accessory use and the principal use to which it is accessory, combined, except in the case of accessory off-street parking;

(ii) Any bar, *or* restaurant, ~~*other entertainment,*~~ or any *other* retail establishment which serves liquor for consumption on-site;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a retail grocery or specialty food store;

(iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

(v) Any other entertainment use, as defined in Section 890.37, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.

~~*The above*~~ *No part of this subsection (C)* shall ~~*not*~~ prohibit take-out food activity which operates in conjunction with a fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(D) Temporary Uses. Uses not otherwise permitted are permitted in Chinatown Mixed Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

(2) Not Permitted Uses.

(A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed Use District unless determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(B) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of

operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(C) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

(D) No off-street parking garage installations or new curb cuts are permitted on the alleyways in the Chinatown Mixed-Use Districts.

SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND SOUTH OF MARKET MIXED USE DISTRICTS.

(a) Use Categories. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern Neighborhood Mixed Use District and South of Market Mixed Use District is generally set forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through 843 of this Code for each district class.

(b) Use Limitations. Uses in Eastern Neighborhood Mixed Use Districts and South of Market Mixed Use Districts are either permitted, conditional, accessory, temporary or are not permitted.

(1) Permitted Uses. If there are two or more uses in a structure, any use not classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) Principal Uses. Principal uses are permitted as of right in an Eastern Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated in Sections 813 through 818 and 840 through 843 of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.

(B) Conditional Uses. Conditional uses are permitted in an Eastern Neighborhood Mixed Use District and South of Market Mixed Use District, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Sections 813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through 803.9 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of Market Mixed Use District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not

be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses. Any use which does not qualify as an accessory use shall be classified as a principal use.

No use will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 157 of this Code;

(ii) A hotel, motel, inn, hostel, ~~*nighttime entertainment,*~~ adult entertainment, massage establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI, SSO, DTR, MUG, MUR, MUO, or UMU District;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty food store.

(iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

(v) Any nighttime entertainment use, as defined in Section 102.17; provided, however, that ~~except for one that involves~~ *a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.* is allowed in any District except for ~~and which is located in either (1) the South Park District or (2) an Eastern Neighborhoods Mixed Use District or South of Market Mixed Use~~

~~District where nighttime entertainment is either principally or conditionally permitted~~ (a) an SLI District that is included in the Western SoMa Planning Area Special Use District or (b) an RED, RSD, SLR, MUR, or MUG District.

(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts to the extent authorized by Sections 205 through 205.3 of this Code.

SEC. 890.37. ENTERTAINMENT, OTHER.

In the Chinatown Mixed Use Districts, a retail use, other than adult entertainment, as defined in Section 890.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or ~~*operates as a dance hall which*~~ provides amplified taped music for dancing on the premises, including but not limited to *Places of Entertainment and Limited Live Performance Locales, as* ~~*those*~~ defined in Section 1060 of the Police Code. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 890.4 of this Code and regulated in Section 1036 of the Police Code. For South of Market Districts, see Section 102.17.

Section 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or of Article 15.1 of the Police Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or of Article 15.1, or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more

sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

Section 8. EFFECTIVE DATE. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
PAUL ZAREFSKY
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110506 **Date Passed:** September 06, 2011

Ordinance amending the San Francisco Police Code Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916; adding to the San Francisco Police Code Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1; amending the San Francisco Planning Code Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37; and amending the San Francisco Business and Tax Regulations Code Section 8 to: 1) create a Limited Live Performance Permit for indoor locales whose primary function is not presentation of live performances, said permit to include noise and hours restrictions but not necessarily security plan requirements; 2) to specify application and license fees and hearing requirements for said permit; and 3) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

July 18, 2011 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 18, 2011 Land Use and Economic Development Committee - CONTINUED AS AMENDED

July 25, 2011 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

July 26, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 7 - Avalos, Campos, Chiu, Farrell, Kim, Mar and Mirkarimi

Noes: 4 - Chu, Cohen, Elsbernd and Wiener

August 02, 2011 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110506

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved

FILE NO. 110583 ORDINANCE NO. 173-11

[Administrative Code - Cash Difference and Overage Funds]

Ordinance amending the San Francisco Administrative Code Section 10.82 to: 1) authorize the Controller to establish cash difference and overage funds for the use of any county officer or department head or judicial district handling judicial funds; 2) to increase, reduce, or discontinue the funds; 3) require any county officer or department head using such funds to report to the Controller; and 4) require the Controller to annually report to the Board of Supervisors regarding the cash difference and overage funds.

Note: **Additions are** *single-underline italics Times New Roman*; **deletions are** ~~*strikethrough italics Times New Roman*~~. **Board amendment additions are** double underlined. **Board amendment deletions are** ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 10.82 to read as follows:

SEC. 10.82. "CASH DIFFERENCE ~~*FUND"*~~ **AND "OVERAGE FUND."**

~~***"Cash Difference Fund" Created.*** *There is hereby created a "Cash Difference Fund."*~~

~~***"Overage Fund" Created.*** *There is hereby created an "Overage Fund," in which all cash overages shall be deposited.*~~

(a) ***"Cash Difference and Overage Fund"*** *The Controller shall create a "Cash Difference and Overage Fund" for the use of any county officer or the administrative head of any county department or judicial district handling judicial funds into which all cash shortages and overages shall be deposited.*

(b) Regulation of Cash Difference and Overage Fund. *The Controller may increase, reduce, or discontinue any Cash Difference and Overage Fund. The Controller may issue regulations regarding management and reporting of such funds.*

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~~**Drawing Warrants; Use to Eliminate Cash Deficits Only.** The Controller is hereby authorized and he or she shall draw a warrant in favor of the Treasurer for such amounts as may be appropriated for this purpose. The Treasurer shall use such funds only to eliminate cash deficits as herein provided.~~

(c) **Reports of Cash Deficits and Overage.** Any *officer or* employee ~~of the~~ *in any county office, or* department~~, or officers enumerated herein~~, *or judicial district in which a Cash Difference and Overage Fund has been created,* who receives and disburses money placed in his or her custody as directed by law or by official authority, shall ~~render~~*submit* a written report, through his or her respective department head, to the ~~Treasurer~~ *Controller* at ~~the close of each business day,~~ *a frequency to be determined by the Controller, but at least annually,* setting forth the exact sum of any cash deficit or overage in his or her account for that ~~day~~*reporting period*. Failure to report ~~any~~*on the* cash deficit or overage ~~at the close of the business day in which it occurred~~ *as required by the Controller* is a violation of this Section.

~~**Elimination of Deficit**~~***(d) Recordation of Deficit.*** When a cash deficit is reported to the ~~Treasurer~~ *Controller*, as herein provided, ~~he or she shall provide the amount required to eliminate such cash deficit; provided, that the amount thereof shall not exceed the amount available in the Cash Difference Fund.~~ *the Controller shall direct how to record and report such cash deficit.*

~~**Deposits of Overage.**~~***(e) Recordation of Overage.*** When an overage is reported to the ~~Treasurer~~*Controller,* ~~the amount thereof shall be immediately deposited in the Cash Overage Fund in the Treasury. The balance in the Cash Overage Fund at the end of the fiscal year shall revert to the General Fund.~~ *the Controller shall direct how to record and report such cash overage.*

~~**Reports and Statements.**~~***(f) Reports to the Board of Supervisors.*** ~~On or before the 10th day of each calendar month the Treasurer shall file with the Board of Supervisors and the Controller a statement covering the preceding calendar month, itemizing each cash deficit as to amount, date of occurrence and the name and civil service classification of each person whose account was reimbursed~~

~~*from the Cash Difference Fund, together with any additional information as may be required by the Board of Supervisors or by the Controller*~~

~~*The statement shall likewise itemize each item of overage occurring in the same preceding calendar month.*~~*The Controller shall submit a written report to the Board of Supervisors after the end of each fiscal year identifying the Cash Difference and Overage Funds in existence during the fiscal year, the amount of those funds, and the department using the fund. The Board of Supervisors may require the Controller to give an account of the Cash Difference and Overage Funds at any other time.*

~~***Application of Section.** This Section shall apply to the employees of the following: Treasurer's office; Assessor's office; Tax Collector's office; Redemption Officer; the Clerk of the Trial Courts; Police Department employees who are specifically assigned to the receiving of funds; Department of Public Health, Bureau of Accounts, who are acting as cashiers; Office of Animal Care and Control; Department of Parking and Traffic; The Public Utilities Commission Customer Service Bureau.*~~

~~***Treasurer's Disallowance of Deficits.** The Treasurer, for good reason, may return disallowed any deficit report. Such disallowed report may be referred to the Board of Supervisors for its determination.*~~

~~***Rules and Regulations.***~~*(g) Administration of this Section.* The ~~*Treasurer*~~*Controller* shall establish rules and regulations for the administration of the purposes of this Section. ~~*Before issuing or amending any rules or regulations, the Treasurer shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules or regulations.*~~

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JEAN H. ALEXANDER
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110583 **Date Passed:** September 06, 2011

Ordinance amending the San Francisco Administrative Code Section 10.82 to: 1) authorize the Controller to establish cash difference and overage funds for the use of any county officer or department head or judicial district handling judicial funds; 2) to increase, reduce, or discontinue the funds; 3) require any county officer or department head using such funds to report to the Controller; and 4) require the Controller to annually report to the Board of Supervisors regarding the cash difference and overage funds.

July 27, 2011 Budget and Finance Committee - RECOMMENDED

August 02, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110583

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/12/11
Date Approved

FILE NO. 110622

Amendment of the Whole
in Board
9/6/11

ORDINANCE NO. 174-11

[Administrative Code – Allowing Paid Administrative Leave In Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.17 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

The San Francisco Administrative Code is hereby amended by adding Section 16.17 to read as follows:

SEC. 16.17. PAID ADMINISTRATIVE LEAVE.

(a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances:

(1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days;

(2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization, or local, state or federal law, for the period of time

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between the date the City directs the employee to submit to such testing until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject to a maximum of thirty (30) calendar days;

(3) When the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

(4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to the Civil Service Rules starting on the business day following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the employee has no accrued sick leave, any lost compensation for the same period.

(b) While an employee is on paid administrative leave the employee shall receive the compensation he or she would have earned if the employee had worked during the same period, without the inclusion of overtime earnings or special pay.

(c) The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave.

(d) Subject to the prior written approval of the Director of the Department of Human Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with

this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees employed by the Municipal Transportation Agency, the Director of the Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident.

(e) The City's ability to place employees on paid administrative leave under this section is in addition to, not in lieu of, its right to place employees on unpaid administrative leave under Charter Section A8.341, or any similar successor Charter Section. The City may elect to place an employee on paid or unpaid administrative leave as permitted under this Section or under Charter Section A8.341. Further, the City may place an employee on paid administrative leave either before or after the employee is placed on unpaid administrative leave.

(f) Nothing herein shall limit or prohibit compliance with the regulations of the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JILL FIGG DAYAL
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110622 **Date Passed:** September 06, 2011

Ordinance amending the San Francisco Administrative Code by adding Section 16.17 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances.

July 21, 2011 Rules Committee - RECOMMENDED

August 02, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - FINALLY PASSED AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110622

I hereby certify that the foregoing Ordinance was FINALLY PASSED AS AMENDED on 9/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/12/2011
Date Approved

Amendment of the whole
in Committee. 7/20/11

FILE NO. 110594 ORDINANCE NO. 175-11

[Administrative Code – Enforcement of Minimum Wage Laws by the Office of Labor Standards Enforcement]

Ordinance amending San Francisco Administrative Code Sections 12R.5, 12R.7, 12R.16, 12R.17, 12R.18 and 12R.25 to (1) enhance the Office of Labor Standards Enforcement's enforcement of the City's ~~m~~Minimum ~~w~~Wage ~~laws~~ Ordinance by clarifying agency access to places of employment; (2) require a policy to resolve complaints or initiate enforcement actions ~~to be completed~~ within one year,; (3) raise~~ing~~ the penalty for employer retaliation; ~~(3)~~(4) impose a penalty for failure to post minimum wage rates; ~~(4)~~(5) provide for posting notice to employees upon commencement of an investigation and public posting of employer noncompliance, and impose ~~with~~ penalties for violation of these posting requirements; ~~(5)~~(6) impose a penalty for failure to provide employer's name, address, and telephone number to employees; (7) allow for back wages held in escrow for an employee for three years or more to be used to enforce the Minimum Wage Ordinance or other laws enforced by the Office of Labor Standards Enforcement if the Office of Labor Standards Enforcement cannot locate the employee; (8) provide authority to immediately issue an administrative citation upon sufficient evidence of certain violations; and ~~(6)~~(9) require industry-focused outreach materials for employees.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 12R.5 to read as follows:

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SEC. 12R.5. NOTICE, POSTING AND PAYROLL RECORDS.

(a) By December 1 of each year, the Agency shall publish and make available to Employers a bulletin announcing the adjusted Minimum Wage rate for the upcoming year, which shall take effect on January 1. In conjunction with this bulletin, the Agency shall by December 1 of each year publish and make available to Employers, in all languages spoken by more than five percent of the San Francisco work force, a notice suitable for posting by Employers in the workplace informing Employees of the current Minimum Wage rate and of their rights under this Chapter.

(b) Every Employer shall post in a conspicuous place at any workplace or job site where any Employee works the notice published each year by the Agency informing Employees of the current Minimum Wage rate and of their rights under this Chapter. Every Employer shall post such notices in English, Spanish, Chinese and any other language spoken by at least five percent of the Employees at the workplace or job site. Every Employer shall also provide each Employee at the time of hire the Employer's name, address and telephone number in writing.

(c) Employers shall retain payroll records pertaining to Employees for a period of four years, and shall allow the Agency access to such records, with appropriate notice and ~~*at a mutually agreeable time*~~ *during business hours*, to monitor compliance with the requirements of this Chapter. Where an Employer does not maintain or retain adequate records documenting wages paid or does not allow the Agency reasonable access to such records, it shall be presumed that the Employer paid no more than the applicable federal or state minimum wage, absent clear and convincing evidence otherwise.

(d) The Director of the Agency or his or her designee shall have access to all places of labor subject to this ordinance ~~upon appropriate notice and~~ *during business hours to inspect books and records, interview employees and investigate such matters necessary or appropriate to determine*

whether an Employer has violated any provisions of this ordinance. ~~In the event an Employer refuses to permit Agency access, the Agency may exercise subpoena power under Administrative Code Section 2A.23 to obtain access to books and records and may take any other investigative action permitted by law.~~

(e) The Agency shall be authorized under Section 12R.7 to develop guidelines or rules to govern Agency investigative activities, including but not limited to legal action to be taken in the event of employer noncompliance or interference with Agency investigative actions.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 12R.7 to read as follows:

SEC 12R.7. IMPLEMENTATION AND ENFORCEMENT.

(a) Implementation. The Agency shall be authorized to coordinate implementation and enforcement of this Chapter and may promulgate appropriate guidelines or rules for such purposes consistent with this Chapter. Any guidelines or rules promulgated by the Agency shall have the force and effect of law and may be relied on by Employers, Employees and other parties to determine their rights and responsibilities under this Chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this Chapter, including supplementary procedures for helping to inform Employees of their rights under this Chapter, for monitoring Employer compliance with this Chapter, and for providing administrative hearings to determine whether an Employer or other person has violated the requirements of this Chapter. *The Agency shall make every effort to resolve complaints in a timely manner and shall have a policy that the Agency shall take no more than one year to settle,* ~~complete~~ request *an administrative hearing under Section 12R.7(b),or initiate a civil action under Section 12R.7(c). The failure of the Agency to* ~~resolve a complaint~~ meet these timelines *within one year shall not be grounds for closure or dismissal of the complaint.*

(b) Administrative Enforcement. The Agency is authorized to take appropriate steps to enforce this Chapter. The Agency may investigate any possible violations of this Chapter by an Employer or other person. Where the Agency has reason to believe that a violation has occurred, it may order any appropriate temporary or interim relief to mitigate the violation or maintain the status quo pending completion of a full investigation or hearing. Where the Agency, after a hearing that affords a suspected violator due process, determines that a violation has occurred, it may order any appropriate relief including, but not limited to, reinstatement, the payment of any back wages unlawfully withheld, and the payment of an additional sum as an administrative penalty in the amount of $50 to each Employee or person whose rights under this Chapter were violated for each day ~~*or portion thereof*~~ that the violation occurred or continued. A violation for unlawfully withholding wages shall be deemed to continue from the date immediately following the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full. Where prompt compliance is not forthcoming, the Agency may take any appropriate enforcement action to secure compliance, including initiating a civil action pursuant to Section 7(c) of this Chapter and/or, except where prohibited by state or federal law, requesting that City agencies or departments revoke or suspend any registration certificates, permits or licenses held or requested by the Employer or person until such time as the violation is remedied. In order to compensate the City for the costs of investigating and remedying the violation, the Agency may also order the violating Employer or person to pay to the City a sum of not more than $50 for each day ~~*or portion thereof*~~ and for each Employee or person as to whom the violation occurred or continued. Such funds shall be allocated to the Agency and shall be used to offset the costs of implementing and enforcing this Chapter. The amounts of all sums and payments authorized or required under this Chapter shall be updated annually for inflation,

beginning January 1, 2005, using the inflation rate and procedures set forth in Section 4(b) of this Chapter. An Employee or other person may report to the Agency in writing any suspected violation of this Chapter. The Agency shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the Employee or person reporting the violation. Provided, however, that with the authorization of such person, the Agency may disclose his or her name and identifying information as necessary to enforce this Chapter or for other appropriate purposes. *In order to further encourage reporting by Employees, if the Agency notifies an Employer that the Agency is investigating a complaint, the Agency shall require the Employer to post or otherwise notify its Employees that the Agency is conducting an investigation, using a form provided by the Agency.*

(c) Civil Enforcement. The Agency, the City Attorney, any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as liquidated damages in the amount of $50 to each Employee or person whose rights under this Chapter were violated for each day ~~*or portion thereof*~~ that the violation occurred or continued, reinstatement in employment and/or injunctive relief, and shall be awarded reasonable attorneys' fees and costs. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief, and reasonable attorneys' fees and costs. Nothing in this Chapter shall be interpreted as restricting,

precluding, or otherwise limiting a separate or concurrent criminal prosecution under the Municipal Code or state law. Jeopardy shall not attach as a result of any administrative or civil enforcement action taken pursuant to this Chapter.

(d) Interest. In any administrative or civil action brought for the nonpayment of wages under this Section, the Agency or court, as the case may be, shall award interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.

*(e) **Posting Notice of Violation**. If an Employer fails to comply with a settlement agreement with the Agency, a final determination by the Agency after an administrative hearing officer issues a decision after a hearing under Section 12R.7(b),~~,~~ an administrative citation issued under Section 12R.19, a decision made in an administrative appeal brought under Section 12R.21, or judgment issued by the Superior Court, and the Employer has not filed an appeal from the administrative hearing decision, administrative citation, administrative appeal decision, or judgment, or the appeal is final, the Agency may require the Employer to post public notice of the Employer's failure to comply in a form determined by the Agency.*

Section 3. The San Francisco Administrative Code is hereby amended by amending Sections 12R.16, 12R.17 and 12R.18 to read as follows:

SEC 12R.16. ADMINISTRATIVE PENALTIES AND CITATIONS.

(a) Administrative Penalties; Citations. An administrative penalty may be assessed for a violation of the provisions of this Chapter as specified below. The penalty may be assessed by means of an administrative citation issued by the Director of the Office of Labor Standards Enforcement.

(b) Administrative Penalty Amounts. In addition to all other civil penalties provided for by law, the following violations shall be subject to administrative penalties in the amounts set forth below:

VIOLATION	PENALTY AMOUNT
Failure to maintain payroll records or to retain payroll records for four years — Administrative Code Section 12R.5(c)	$500.00
Failure to allow the Office of Labor Standards Enforcement to inspect payroll records — Administrative Code Section 12R.5(c)	$500.00
Retaliation for exercising rights under Minimum Wage Ordinance — Administrative Code [Section] 12R.6 *The penalty for retaliation is $1000.00 per employee.*	$~~*500.00*~~ *1,000.00*
Failure to post notice of Minimum Wage rate – Administrative Code Section 12R.5(b) **Failure to provide notice of investigation to employees – Administrative Code Section 12R.7(b)** **Failure to post notice of violation to public – Administrative Code Section 12R.7(e)** **Failure to provide employer's name, address, and telephone number in writing – Administrative Code Section 12R.5(b)**	*$500.00*

The penalty amounts shall be increased cumulatively by fifty percent (50%) for each subsequent violation of the same provision by the same employer or person within a three (3) year period. The maximum penalty amount that may be imposed by administrative citation in

a calendar year for each type of violation listed above shall be $5,000 *or $10,000 if a citation for retaliation is issued*. In addition to the penalty amounts listed above, the Office of Labor Standards Enforcement may assess enforcement costs to cover the reasonable costs incurred in enforcing the administrative penalty, including reasonable attorneys' fees. Enforcement costs shall not count toward the $5,000 annual maximum.

SEC 12R.17. VIOLATIONS

(a) Separate and Continuing Violations; Penalties Paid Do Not Cure Violations. Each and every day that a violation exists constitutes a separate and distinct offense. Each section violated constitutes a separate violation for any day at issue. If the person or persons responsible for a violation fail to correct the violation within the time period specified on the citation and required under Section 12R.18, the Director of the Office of Labor Standards Enforcement may issue subsequent administrative citations for the uncorrected violation(s) without issuing a new notice as otherwise required by Section 12R.18(a). Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar any further enforcement action by the City. If penalties and costs are the subject of administrative appeal or judicial review, then the accrual of such penalties and costs shall be stayed until the determination of such appeal or review is final.

(b) Payments to City; Due Date; Late Payment Penalty. All penalties assessed under Section 12R.16 shall be payable to the City and County of San Francisco. Administrative penalties and costs assessed by means of an administrative citation shall be due within thirty (30) days from the date of the citation. The failure of any person to pay an administrative penalty and costs within that time shall result in the assessment of an additional late fee. The amount of the late fee shall be ten (10) percent of the total amount of the

administrative penalty assessed for each month the penalty and any already accrued late payment penalty remains unpaid.

(c) Collection of Penalties; Special Assessments. The failure of any person to pay a penalty assessed by administrative citation under Section 12R.16 within the time specified on the citation constitutes a debt to the City. The City may file a civil action, create and impose liens as set forth below, or pursue any other legal remedy to collect such money.

(d) Liens. The City may create and impose liens against any property owned or operated by a person who fails to pay a penalty assessed by administrative citation. The procedures provided for in Chapter XX of Chapter 10 of the San Francisco Administrative Code shall govern the imposition and collection of such liens.

(e) Payment to City. *The Labor Standards Enforcement Officer has the authority to require that payment of back wages found to be due and owing to employees be paid directly to the City and County of San Francisco for disbursement to the employees. The Controller shall hold the back wages in escrow for workers whom the Labor Standards Enforcement Officer, despite his/her best efforts, including any required public notice, cannot locate; funds so held for three years or more shall be dedicated to the enforcement of the Minimum Wage Ordinance* or other laws enforced by the Office of Labor Standards Enforcement.

SEC 12R.18. ADMINISTRATIVE CITATION; NOTICE OF VIOLATION.

(a) Issuance of Citation. *The Director* ~~or his or her designee~~ *has the authority to issue an administrative citation for any violation of this Chapter that is identified in Section 12R.16(b). The administrative citation shall be issued on a form prescribed by the Office of Labor Standards Enforcement.*

(*b*a) Notice and Opportunity to Cure. *In order to facilitate compliance,* ~~T~~he Director of the Office of Labor Standards Enforcement ("Director") or his or her designee *may* ~~*shall*~~ notify

any person in violation of the Code provisions identified in Section 12R.16(b) of such violation prior to the issuance of an administrative citation. Regardless of the manner of service of the notice under Section 12R.19, the Director or his or her designee may post the notice of violation by affixing the notice to a surface in a conspicuous place on property that is (1) the person's principal place of business in the City, or (2) if the person's principal place of business is outside the City, the fixed location within the City from or at which the person conducts business in the City, or (3) if the person does not regularly conduct business from a fixed location in the City, one of the following: (i) the location where the person maintains payroll records if the notice of violation is for violation of Section 12R.5(c), or (ii) the jobsite or other primary location where the person's employees perform services in the City at the time the notice is posted. The notice of violation shall specify the action required to correct or otherwise remedy the violation(s). At the discretion of the Director or his or her designee, t~~T~~he person or persons responsible for the violation ~~shall~~ may be allowed ~~not less than~~ ten (10) days from the date of the notice of violation to establish that no violation occurred or such person or persons are not responsible for the violation, or correct or otherwise remedy the violation; provided, however, that the Director may, in his or her discretion, assign a longer period, not to exceed twenty-one (21) days, within which to correct or otherwise remedy each violation, or establish that no violation occurred or such person or persons are not responsible for the violation. The Director may consider the cost of correction and the time needed to obtain information, documents, data and records for correction in assigning a specific period of time within which to correct or otherwise remedy each violation, or obtain and submit evidence that no violation occurred or such person or persons are not responsible for the violation.

~~*(b) Issuance of Citation. If the person or persons responsible for the violation fail to comply with any portion of a notice of violation within the time provided, the Director may issue an*~~

~~*administrative citation to the violator. The administrative citation shall be issued on a form prescribed by the Office of Labor Standards Enforcement.*~~

Section 4. The San Francisco Administrative Code is hereby amended by amending Section 12R.25 to read as follows:

SEC 12R.25. OUTREACH.

The Office of Labor Standards Enforcement shall establish a community-based outreach program to conduct education and outreach to employees. *In partnership with organizations involved in the community-based outreach program, the Office of Labor Standards shall create outreach materials that are designed for workers in particular industries.*

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
for LINDA M. ROSS
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110594 **Date Passed:** September 06, 2011

Ordinance amending the San Francisco Administrative Code Sections 12R.5, 12R.7, 12R.16, 12R.17, 12R.18, and 12R.25 to: 1) enhance the Office of Labor Standards Enforcement's enforcement of the City's Minimum Wage Ordinance by clarifying agency access to places of employment; 2) require a policy to resolve complaints or initiate enforcement actions within one year; 3), raise the penalty for employer retaliation; 4) impose a penalty for failure to post minimum wage rates; 5) provide for posting notice to employees upon commencement of an investigation and public posting of employer non-compliance, and impose penalties for violation of these posting requirements; 6) impose a penalty for failure to provide employer's name, address, and telephone number to employees; 7) allow for back wages held in escrow for an employee for three years or more to be used to enforce the Minimum Wage Ordinance or other laws enforced by the Office of Labor Standards Enforcement if the Office of Labor Standards Enforcement cannot locate the employee; 8) provide authority to immediately issue an administrative citation upon sufficient evidence of certain violations; and 9) require industry-focused outreach materials for employees.

July 20, 2011 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 20, 2011 Budget and Finance Sub-Committee - CONTINUED AS AMENDED

July 27, 2011 Budget and Finance Committee - RECOMMENDED

August 02, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110594

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/6/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/16/11
Date Approved

FILE NO. 110857 ORDINANCE NO. 176-11

[Street Vacation Order and Jurisdictional Transfer - Mandan Avenue and a Portion of Cayuga Avenue]

Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

(a) On August 2, 2011, the Board of Supervisors adopted Resolution No. 335-11, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 110855, being a Resolution declaring its intention to order the vacation of a portion of the public right-of-way located on Cayuga Avenue, west of Naglee Avenue (the "Vacation Area"). The location and extent of the Vacation Area is shown on the Department of Public Works' ("DPW") SUR Map No. 2011, dated March 17, 2011. A copy of this map is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated herein by reference.

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(b) The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such Resolution to be posted and published in the manner required by law.

(c) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on September 6, 2011, beginning at approximately 3:00 P.M., the Board heard all persons interested in such vacation.

(d) The Vacation Area is at Cayuga Park's southeastern border. Cayuga Park is a 126,990-square foot park generally bounded by Naglee Avenue to the northeast, Cayuga Avenue and Alemany Boulevard to the southeast, Whipple Avenue to the southwest, and I-280 to the northwest in the Outer Mission Neighborhood.

(e) The Recreation and Park Department crafted the Cayuga Park Renovation Plan. The Renovation Plan involves incorporation of the 8,490-square foot Vacation Area into the Park, transfer of the Vacation Area and the "paper" streets within the Park from the Department of Public Works to Recreation and Park Department jurisdiction, demolition of the existing clubhouse and construction of a new expanded clubhouse, new irrigation and stormwater drainage systems to serve the field sports play area and other park facilities, tree planting, and reorganizing park elements to switch locations of the existing children's play area and basketball court. Copies of the Renovation Plan are on file with the Clerk of the Board of Supervisors in File No. 110857 and are incorporated herein by reference.

(f) The vacation of the Vacation Area is necessary to implement the Renovation Plan that will incorporate the dead-end section of Cayuga Avenue into the Park's open space to provide additional community use of the Park.

(g) The City Planning Department in a letter dated March 11, 2011, found that the street vacation and other actions contemplated herein were consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. A copy of this letter is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own said consistency findings.

(h) On April 29, 2011, the Planning Department determined that the Cayuga Park Renovation was exempt under Categorical Exemption, Class 1, 3, and 4 in conformance with the State CEQA Guidelines Sections 15301, 15303, and 15304. Said determination is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated herein by reference.

(i) In DPW Order No. 179,462, dated July 28, 2011, the Director of the Department of Public Works ("DPW Director") determined: (1) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes; (2) jurisdictional transfer of the Vacation Area and paper street portions of Cayuga and Mandan Avenues from the Department of Public Works to the Recreation and Park Department at no cost, subject to certain conditions, is a policy matter for the Board; (3) there are no physical public or private utilities affected by the vacation of the Vacation Area except as stated below; (4) the Recreation and Park Department is working with the San Francisco Public Utilities Commission ("PUC") to develop a Memorandum of Agreement concerning PUC access to and maintenance of sewer utilities in Cayuga Avenue; and (5) the vacation is subject to the creation of private easements for sewer later connections to 5 properties backing on to the Vacation Area as described further herein. A copy of the DPW

Order is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated herein by reference.

(j) As part of this vacation action, the DPW Director recognizes that private sewer laterals exist within the Vacation Area and the PUC has sewer utilities in the Vacation Area and in the paper street portion of Cayuga Avenue currently within the boundaries of Cayuga Park. The DPW Director recommends that the street vacation should be subject to: (1) approval of private easements to the five properties bordering on Cayuga Avenue for access to and maintenance of their sewer laterals and (2) establishment of a Memorandum of Agreement between the PUC and Recreation and Park Department for access to and maintenance of PUC utilities in the former and existing portions of Cayuga Avenue that will be within Cayuga Park. A copy of a draft easement for the private sewer laterals is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated herein by reference.

(k) The DPW Director recommends that the public interest, convenience, and necessity require that, except as specifically provided above, no other easements or other rights should be reserved for any public or private utilities or facilities that are in place in such Vacation Area and that any rights based upon any such public or private utilities or facilities should be extinguished.

(l) The DPW Director also recommends that the vacation of the Vacation Area should be conditioned upon the following restriction: the Vacation Area can be used only to fulfill the mandate of the City's 2008 "Clean and Safe" Park Bond for Cayuga Park.

(m) Pursuant to the California Streets and Highways Code Section 892, the DPW Director also finds that the Vacation Area is currently not necessary for non-motorized

transportation, though the Vacation Area, once incorporated into Cayuga Park, would be available for non-motorized transportation.

(n) The Board of Supervisors adopts as its own, the recommendations of the Director of the Department of Public Works as set forth in DPW Order No. 179.462 concerning the vacation of the Vacation Area and other actions in furtherance thereof.

(o) The vacation of the Vacation Area is being taken pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

(p) From all the evidence submitted at the public hearing noticed in the Resolution No. 335-11 and the associated materials on file with the Clerk of the Board in File No. 110855, the Board of Supervisors finds that the Vacation Area, as described in SUR Map No. 2011, is unnecessary for present or prospective public use, subject to the conditions described in this Ordinance.

(q) With the exception of the private easements for sewer laterals and the Memorandum between the PUC and Recreation and Park Department for PUC utilities, the public interest, convenience and necessity require that no other easements or other rights be reserved for any public or private utilities or facilities that are in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are extinguished.

(r) The public interest and convenience require that the vacation be done as declared in this Ordinance.

(s) On May 19, 2011, the Recreation and Park Commission adopted Resolution No. 1105-004, a copy which is on file with the Clerk of the Board in File No. 110857, recommending that the Board of Supervisors approve the jurisdictional transfer of the Vacation Area and the Transfer Area, as described below, to the Recreation and Park

Department. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 110857 and is incorporated herein by reference.

Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on SUR Map No. 2011, is hereby ordered vacated and pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

Section 3. The vacation of the Vacation Area is conditioned upon the following restrictions: (a) that the Vacation Area can be used only to fulfill the mandate of the City's 2009 "Clean and Safe" Park Bond for Cayuga Park, (b) approval of private easements for sewer laterals for 5 properties with sewer facilities in the Vacation Area, and (c) establishment of a Memorandum of Agreement between the PUC and Recreation and Park Department concerning access to and maintenance of PUC facilities in the Vacation Area and in former Cayuga Avenue. For purposes of (b) above, the Board of Supervisors hereby approves the sewer lateral easements in substantially the form on file with the Clerk of the Board of Supervisors and hereby delegates to the Director of Property the authority to complete, sign, and record the easements on behalf of the City.

Section 4. Transfer of Formerly Vacated Portions of Mandan and Cayuga Avenues and the Vacation Area. (a) On May 6, 1946, the Board of Supervisors adopted Resolution No. 5468, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 110857, being a Resolution declaring the vacation of a portion of the public right-of-way located on Mandan Avenue and a portion of Cayuga Avenue (the "Transfer Area"). The location and extent of the Transfer Area is shown on the Department of Public Works' SUR Map No. 2011.

(b) The Board of Supervisors hereby determines that the Vacation Area and Transfer Area can be used most advantageously by the Recreation and Park Department and

therefore approves the transfer of jurisdiction of the Vacation Area and Transfer Area from DPW to the Recreation and Park Department at no cost, subject to use restrictions specified above.

Section 5. All actions heretofore taken by the officers of the City with respect to this Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of the Division of Real Estate, County Surveyor, and DPW Director are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance (including, without limitation, finalizing, signing, and recording the private easements for sewer laterals; the finalization of the jurisdictional transfers for the Vacation Area and the Transfer Area, the filing of the Ordinance in the Official Records of the City and County of San Francisco; and confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the Vacation Area hereunder and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: John D. Malamut
John D. Malamut
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110857 **Date Passed:** September 13, 2011

Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance.

July 25, 2011 Land Use and Economic Development Committee - REFERRED WITHOUT RECOMMENDATION

September 06, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110857

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/13/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/21/11
Date Approved

FILE NO. 110809 ORDINANCE NO. 177-11

[Administrative Code – Dissolving Drug Abuse and City-Wide Alcoholism Advisory Boards]

Ordinance repealing the San Francisco Administrative Code Sections 15.17 and 15.19, thereby dissolving the Drug Abuse Advisory Board and the City-Wide Alcoholism Advisory Boards, respectively.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

WHEREAS, Section 15.17 of the San Francisco Administrative Code established a "Drug Abuse Advisory Board" and Section 15.19 of the San Francisco Administrative Code established a "City-Wide Alcoholism Advisory Board"; and

WHEREAS, Rule 2.27 of the Board of Supervisors' Rules of Order requires the Clerk of the Board to determine and identify each year every subordinate body that has not met for at least four months and to request the City Attorney to prepare legislation repealing the resolution or ordinance that created the body; and

WHEREAS, The Clerk of the Board polled both of these subordinate bodies to determine whether they had met in the last four months and determined that the Drug Abuse Advisory Board was not responsive and the City-Wide Alcoholism Advisory Board had not met in the last five months.

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Section 2. The San Francisco Administrative Code is hereby amended by repealing Section 15.17 "Drug Abuse Advisory Board" and Section 15.19 "City-Wide Alcoholism Advisory Board" in their entirety.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: See File for Signature
CHERYL ADAMS
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110809 **Date Passed:** September 13, 2011

Ordinance repealing the San Francisco Administrative Code Sections 15.17 and 15.19, thereby dissolving the Drug Abuse Advisory Board and the City-Wide Alcoholism Advisory Boards, respectively.

July 28, 2011 Rules Committee - RECOMMENDED

September 06, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110809

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/13/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/21/11
Date Approved

FILE NO. 110806 ORDINANCE NO. 178-11

[Administrative Code - Deleting Outdated References to Telecommunications Commission]

Ordinance repealing the San Francisco Administrative Code Section 11.84, thereby dissolving the Telecommunications Commission.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

WHEREAS, Sections 11.84 – 11.89 of the San Francisco Administrative Code established a "Telecommunications Commission"; and

WHEREAS, The Telecommunications Commission was dissolved by Ordinance No. 169-10 of this Board. However, Section 11.84 entitled "Findings and Purpose" was not deleted and remains in the Administrative Code.

Section 2. The San Francisco Administrative Code is hereby amended by repealing Section 11.84 "Findings and Purpose" in its entirety.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: See File for Signature
CHERYL ADAMS
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110806 **Date Passed:** September 13, 2011

Ordinance repealing the San Francisco Administrative Code Section 11.84, thereby dissolving the Telecommunications Commission.

July 28, 2011 Rules Committee - RECOMMENDED

September 06, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110806

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/13/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/20/11
Date Approved

Amendment of the Whole
In Committee Bearing Same Title – 7/28/11

FILE NO. 101574 ORDINANCE NO. 179-11

[Elections Code – E-mailing the Voter Information Pamphlet]

Ordinance amending the San Francisco Municipal Elections Code Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors hereby finds that:

(a) AB 1717, signed into law on July 19, 2010, amends the California Elections Code and permits local election officials to establish procedures permitting a voter to opt out of receiving paper copies of the Voter Information Pamphlet and related materials provided certain conditions are met.

(b) Over 450,000 residents of the City and County of San Francisco are registered voters. The Department of Elections mails one Voter Information Pamphlet to each registered voter prior to each election.

(c) For the November 2010 election, the City and County of San Francisco spent $504,405.17 on non-fixed costs related to the printing, mailing and postage of all 450,000+ Voter Information Pamphlets, according to the Department of Elections. Stated differently, the printing and mailing of each additional Voter Information Pamphlet costs San Francisco approximately $1.10. Permitting voters to receive an electronic Voter Information Pamphlet by e-mail or to access it online rather than receiving paper copies through U.S. mail will save

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San Francisco hundreds of thousands of dollars at each election, assuming a considerable percentage of voters opt to receive the Voter Information Pamphlet by electronic means.

(d) According to the Department of Elections, Voter Information Pamphlets range from 70 to 300 pages depending on the election. Permitting voters to receive the Voter Information Pamphlet by electronic means rather than paper copies through U.S. mail will reduce San Francisco's paper consumption by millions of pages, assuming a considerable percentage of voters opt to receive the Voter Information Pamphlet by electronic means.

(e) While the benefits of allowing voters to opt out of receiving paper copies of the Voter Information Pamphlet are clear and widely understood, this ordinance would likely gain even greater popularity if voters who provide their e-mail address for the purpose of receiving the e-mail Voter Information Pamphlet could be assured that their e-mail address would remain confidential.

AB 1717 and Section 2194 of California Election Code dictate that e-mail addresses and any other information voters provide under this ordinance will be accessible to "any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State." Given the potential for voters to provide an e-mail address without knowing it would be accessible to political campaigns and other entities, this ordinance requires the Department of Elections to provide visible notice to voters about circumstances when their e-mail address may be disclosed.

In order to avoid discouraging voters from opting to receive the Voter Information Pamphlet by e-mail, and to enable the success of this ordinance and AB 1717, Section 2194 of the California Election Code should be amended to allow for voter e-mail addresses and other information provided under this ordinance to remain fully confidential.

Section ~~1~~2. The San Francisco Municipal Elections Code is hereby amended by amending Section 500, and adding Section 502, to read as follows:

SEC. 500. - VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.

With respect to any election to be held in the City and County, the Director of Elections shall prepare a voter information pamphlet. The voter information pamphlet shall contain, in addition to any other material required by the Charter or by general law, the following materials:

(a) General contents:

(1) A table of contents;

(2) An index of candidates and measures;

(3) A brief explanation of the purpose and use of the pamphlet;

(4) A summary of voters' rights, including a description of the right provided to every elector by California Elections Code sections 9295 and 13314 to seek a writ of mandate or an injunction prior to the publication of the Voter Information Pamphlet, requiring any or all of the materials submitted for publication in the Pamphlet to be amended or deleted;

(5) A brief description of the rules and procedures that govern the submission, selection and publication of ballot arguments in the pamphlet, including a statement explaining that each person entitled to submit a "Proponent's" or "Opponent's" argument is chosen pursuant to the priority list stated in Section 545 of this Code;

(6) A disclaimer that neither the Director of Elections nor any other City agency, official or employee verifies the accuracy of information contained in the ballot arguments or candidate qualification statements appearing in the pamphlet, and an explanation that any person submitting a ballot argument or qualifications statement bears the sole responsibility for claims made therein;

(7) Artwork, graphics and other material which the Director of Elections determines will make the pamphlet easier to understand or more useful to the voter;

(8) Definitions of terms appearing in the pamphlet; and

(9) A sample ballot.

(b) Contents as to candidates:

(1) The candidate qualification statement of each candidate for an elective office of the City and County;

(2) A brief statement of the term, compensation, and duties of each elective office of the City and County appearing in the pamphlet; and

(3) Any notice required by the Campaign Finance Reform Ordinance or the Political Reform Act, Government Code Section 85600, informing voters whether the candidate has adopted the applicable voluntary expenditure ceiling.

(c) Contents as to measures:

(1) The identification of each measure by letter and title;

(2) The City Attorney's statement or question for each measure;

(3) The digest of each measure prepared by the Ballot Simplification Committee;

(4) The Controller's financial analysis of each measure;

(5) An explanation of how the measure qualified for submission to the voters;

(A) If the measure was submitted to the voters by the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who voted for submission of the measure and those Supervisors who voted against submission of the measure,

(B) If the measure was submitted to the voters by four or more members of the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who submitted the measure,

(C) If the measure was submitted to the voters by initiative petition, the explanation required by Subsection (c)(5) of this Section shall include the number of valid signatures of registered San Francisco voters that were required to qualify the measure for the ballot, and the date on which the Director of Elections certified that the measure qualified for the ballot;

(6) The full text of each measure to be voted upon at the election;

(7) The opponent, proponent, rebuttal and paid arguments, if any, for or against each measure; and

(8) A disclaimer before the opponent, proponent or rebuttal arguments that are authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors or by one or more members of the Board of Supervisors for or against any measure, stating, "The Board of Supervisors authorized the submission of the following argument. As of the date of the publication of this Voter Information Pamphlet, the following Supervisors endorse the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the submission of the proponent and opponent arguments set forth in Section 535 of this Code notified the Department of Elections in writing that they endorse the measure]; oppose the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the submission of the proponent and opponent arguments set forth in Section 535 of this Code notified the Department of Elections in writing that they oppose the measure]; take no position on the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the submission of the proponent and opponent arguments set forth in Section 535 of this Code either failed to notify the Department of Elections that they support or oppose the measure or notified the Department of Elections in writing that they have not taken a position on the measure]" This disclaimer shall not be counted towards the number of words permitted in each argument.

Measures, and the material specified in this Section relating to said measures, shall be printed in the voter information pamphlet in the same order in which designated upon the ballot.

If space allows, the items specified in Subsection (c)(1) to (c)(5) of this Section shall be printed together on the same page of the voter information pamphlet. This page shall be known as the "ballot measure title page." The ballot measure title page shall also indicate: the page number at which the full text of the measure is printed; the page number at which the arguments for or against the measure are printed; and, if applicable the page number at which the definitions of terms appearing on ballot measure title page are printed.

The format of the voter information pamphlet shall be determined by the Director of Elections, subject to the approval of the Ballot Simplification Committee.

~~*The voter information pamphlet shall be mailed to each registered San Francisco voter at least 29 days prior to each election.*~~

SEC. 502. – MAILING THE VOTER INFORMATION PAMPHLET.

The Director of Elections shall cause the voter information pamphlet, sample ballot, notice of polling place, and associated materials (collectively "ballot materials") to be mailed to each registered San Francisco voter at least 29 days prior to each election, unless the voter has opted to receive ballot materials by electronic means instead of by paper mail. The Director of Elections shall establish a process to enable a voter to opt out of receiving his or her ballot materials by paper mail, and instead receive them electronically via e-mail or by accessing them on the City and County of San Francisco website or the Department of Elections website. This opt out process shall meet the following requirements:

(a) The procedures shall establish a method of providing voters with notice that they may request to receive ballot materials electronically in lieu of receiving them by paper mail.

(b) The voter e-mail address or any other information the voter provides under this section shall remain confidential pursuant to Section 6254.4 of the California Government Code and Section 2194 of the California Elections Code. The Department of Election's opt out procedures shall provide visible notice to voters about these confidentiality provisions and circumstances when voter information may be disclosed.

(c) The procedures shall provide notice and opportunity for a voter who has opted out of receiving ballot materials by paper mail to opt back into receiving them by paper mail.

(d) The procedures shall allow a voter to apply electronically to become a vote by mail voter.

(e) The procedures shall provide a deadline at least 29 days prior to the election by which a voter may opt out of, or opt back into, receiving his or her sample ballot and other ballot materials by paper mail. If a voter misses this deadline, the request shall take effect the following election.

(f) The procedures shall include a verification process to confirm the voter's identity, which may be accomplished either by verification of a signature submitted by the voter or by review of other identifying information to be determined by the Director of Elections.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
MOLLIE LEE
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 101574 **Date Passed:** September 13, 2011

Ordinance amending the San Francisco Municipal Elections Code Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

July 07, 2011 Rules Committee - CONTINUED

July 21, 2011 Rules Committee - CONTINUED

July 28, 2011 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 28, 2011 Rules Committee - RECOMMENDED AS AMENDED

September 06, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 101574

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/13/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/21/11
Date Approved

Amendment of the Whole
in Committee. 9/7/11

FILE NO. 110902

ORDINANCE NO. 180-11

RO#12005
SA#5

[Public Employment - Amendment to the Annual Salary Ordinance for Adult Probation, District Attorney, and the Public Defender - FY2011-2012]

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of ~~34~~ 31 positions (~~22.84~~ 20.59 FTE) in various job classes for ~~the~~ AB109 Public Safety Realignment consisting of adding ~~30~~ 27 positions (~~19.92~~ 17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in the Public Defender, and 2 positions (~~1.42~~ 1.33 FTE) in the District Attorney.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and item of Ordinance No. 146-11 (Annual Salary Ordinance, FY 2011-2012) is hereby amended so that the same shall read as follows:

Department: ADP (13) Adult Probation
Index Code: TBD
Program: TBD
Subfund: 1G AGF AAA

Amendment	#of Pos.	Class and Item No.	Compensation Schedule
Add	0.~~86~~75 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.~~86~~75 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.~~86~~75 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.~~86~~75 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.~~86~~75 FTE	8444 (Deputy Probation Officer)	$1949 B $3159

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Amendment	#of Pos.	Class and Item No.	Compensation Schedule
Add	0.8675 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.8675 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3375 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3375 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.3346 FTE	8444 (Deputy Probation Officer)	$1949 B $3159
Add	0.75 FTE	8434 (Supervising Adult Prob. Officer)	$3147 B $3826
Add	0.75 FTE	8434 (Supervising Adult Prob. Officer)	$3147 B $3826
~~Add~~	~~0.75 FTE~~	~~8434 (Supervising Adult Prob. Officer)~~	~~$3147 B $3826~~
Add	0.75 FTE	8435 (Division Director)	$3182 B $4188
~~Add~~	~~0.75 FTE~~	~~2912 (Senior Social Worker)~~	~~$2221 B $2700~~
~~Add~~	~~0.75 FTE~~	~~2912 (Senior Social Worker)~~	~~$2221 B $2700~~
Add	0.75 FTE	1823 (Senior Administrative Analyst)	$2890 B $3513
Add	0.75 FTE	1823 (Senior Administrative Analyst)	$2890 B $3513
Delete	(0.75 FTE)	1823 (Senior Administrative Analyst)	$2890 B $3513
Add	0.75 FTE	1824 (Principal Administrative Analyst)	$3346 B $4067
Add	0.75 FTE	1824 (Principal Administrative Analyst)	$3346 B $4067
Add	0.6375 FTE	1404 (Clerk ~~Typist~~)	$1517 B $1840
Add	0.6375 FTE	1404 (Clerk ~~Typist~~)	$1517 B $1840

~~Add~~	~~0.75 FTE~~	~~8177 (Attorney Civil/Criminal)~~	~~$3789 B $6638~~

Amendment	#of Pos.	Class and Item No.	Compensation Schedule
Add	0.75 FTE	1410 (Chief Clerk)	$2377 B $2890
Delete	(0.75 FTE)	0922 (Manager I)	$3282 B $4188
Add	0.75 FTE	0923 (Manager II)	$3520 B $4492
Add	0.50 FTE	1031 (IS Trainer Assistant)	$2043 B $2483
Add	0.50 FTE	1406 (Senior Clerk)	$1573 B $1909
Add	0.50 FTE	1232 (Training Officer)	$2607 B $3169

ADP Subtotal ~~**19.93**~~ **17.76 FTE**

Department: PDR (05) Public Defender
Index Code: 055002
Program: AIB
Subfund: 1G AGF AAA

Amendment	#of Pos.	Class and Item No.	Compensation Schedule
Add	0.75 FTE	8452 (Criminal Justice Specialist II)	$2685 B $3263
Add	0.75 FTE	8177 (Attorney – Civil/Criminal)	$3789 B $6638

PDR Subtotal **1.50 FTE**

Department: DAT (04) District Attorney
Index Code: 045007
Program: AIA
Subfund: 1G AGF AAA

Amendment	#of Pos.	Class and Item No.	Compensation Schedule
Add	~~1.000~~.75 FTE	8133 (Victim/Witness Investigator III)	$2632 B $3199
Add	~~0.420~~.58 FTE	8177 (Attorney – Civil/Criminal)	$3789 B $6638

DAT Subtotal ~~**1.42**~~ **1. 33 FTE**

Grand Total ~~**22.84**~~ **20.59 FTE**

APPROVED AS TO CLASSIFICATION
DEPARTMENT OF HUMAN RESOURCES

9/2/11

Micki Callahan, Director
Department of Human Resources

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110902 **Date Passed:** September 20, 2011

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of 31 positions (20.59 FTE) in various job classes for Assembly Bill 109 Public Safety Realignment consisting of adding 27 positions (17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in Public Defender, and 2 positions (1.33 FTE) in District Attorney.

September 07, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 07, 2011 Budget and Finance Committee - RECOMMENDED AS AMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110902

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/21/11
Date Approved

Amendment of the Whole
in Committee. 9/7/11

FILE NO. 110907

ORDINANCE NO. 181-11

RO#12005
SA#5

[Appropriating State Assembly Bill 109 Realignment Funds to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - $5,787,176]

Ordinance appropriating $5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2011-2012.

SOURCES Appropriation

Fund	Index Code	Subobject	Description	Amount
1G AGF AAA GF-Non-Project-Controlled	TBD –Adult probation	48920	AB109 Public Safety Realignment	$5,055,224
1G AGF AAA GF-Non-Project-Controlled	TBD –District Attorney	48920	AB109 Public Safety Realignment	$190,507
1G AGF AAA GF-Non-Project-Controlled	TBD –Public Defender	48920	AB109 Public Safety Realignment	$190,507

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1G AGF AAA GF-Non-Project-Controlled		TBD –Sheriff	48920	AB109 Public Safety Realignment	$350,938
Total SOURCES Appropriation					**$5,787,176**

Section 2. The uses of funding outlined below are herein appropriated in various objects, and reflects the projected uses of funding to support increased expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for Fiscal Year 2011-2012.

USES Appropriation

Fund	Index Code / Project Code	Object	Description	Amount
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	00100	Salaries - Miscellaneous	~~$991,152~~ $1,318,414
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	01300	Fringe Benefits	~~$369,461~~ $527,366
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	02200	Training	$100,000
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	02700	Processional & Specialized Services	$1,198,272

1G AAA AAA – General Fund	TBD- Adult Probation Realignment	03500	Software Licensing	$65,000
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	04300	Communication Supplies	$17,083
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	04500	Safety Supplies	$33,610
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	04900	Other Materials and Supplies	$63,000
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	06000	Equipment – Vehicles	$210,000
1G AAA AAA – General Fund	TBD- Adult Probation Realignment	08199	Services of other Departments	~~$969,700~~ $1,289,874
1G AAA AAA – General Fund	TBD- Adult Probation Reentry	00100	Salaries - Miscellaneous	~~$709,247~~ $153,290
1G AAA AAA – General Fund	TBD- Adult Probation Reentry	01300	Fringe Benefits	~~$283,699~~ $61,315

1G AAA AAA – General Fund	TBD- Adult Probation Reentry	04900	Other Materials and Supplies	$18,000
1G AAA AAA – General Fund	045007- District Attorney Prosecution	00100	Salaries - Miscellaneous	$137,903
1G AAA AAA – General Fund	045007- District Attorney Prosecution	01300	Fringe Benefits	$52,604
1G AAA AAA – General Fund	TBD- Public Defender	00100	Salaries - Miscellaneous	$139,755
1G AAA AAA – General Fund	TBD- Public Defender	01300	Fringe Benefits	$50,752
1G AAA AAA – General Fund	062420 – Sheriff Alternative Programs	03800	City Grant Programs	$150,000
1G AAA AAA – General Fund	062CJW – Sheriff Jail No 5W	04000	Materials and Supplies	$50,938
1G AAA AAA – General Fund	062SBJ – Sheriff San Bruno Jails	04600	Food	$150,000
Total USES Appropriation				**$5,787,176**

Section 3. The Controller is hereby authorized to adjust and apply transfers to reflect new expenditure authority contained in this Ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

FUNDS AVAILABLE
Ben Rosenfield, Controller

By: _____

Date: September 2, 2011

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110907 **Date Passed:** September 20, 2011

Ordinance appropriating $5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

September 07, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 07, 2011 Budget and Finance Committee - RECOMMENDED AS AMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110907

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved

Amendment of the Whole
in Committee. 09/07/11

FILE NO. 110496 ORDINANCE NO. 182-11

[License Agreement - Non-Stop Music Library, L.C.]

Ordinance retroactively **approving an agreement with Non-Stop Music Library L.C. to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement.**

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco ("City") hereby finds that:

(a) The City's Department of Technology ("DT") operates the City's governmental television stations ("SFGTV"). SFGTV adds music to certain programming at various times of the day. SFGTV also adds music to its recordings of programs that are sold to the general public including meetings of the Board of Supervisors. DT also uses music to provide "music on hold" services to callers to the City.

(b) DT seeks to license the use of music produced by others from Non-Stop Music Library L.C. ("Non-Stop Music") for a minimal license fee ($750 per year). Non-Stop Music uses a standard form license agreement, which it is generally unwilling to modify due to the small amount of the license fee to be paid by DT.

(c) While Non-Stop Music represents and warrants that it owns the music to be licensed to DT, and is authorized to enter into the license agreement, Non-Stop Music is willing to indemnify the City for copyright infringement only up to the amount paid to Non-Stop

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Music by the City. Non-Stop Music is unwilling to include an insurance provision in the license agreement. The City's Risk Manager has approved these aspects of the license agreement.

(d) Non-Stop Music similarly seeks to limit its liability to the City to the amount of the license fee. The City Attorney has approved the limitation of liability provision.

(e) Non-Stop Music will also require the City to pay its attorney's fees and costs, should Non-Stop Music sue the City for breach of the license agreement. DT has determined that there is a minimal risk that the City would be required to pay attorney's fees and costs.

(f) DT and Non-Stop Music have agreed that the license agreement shall have a term of nine years and thereafter shall be automatically renewed for consecutive one-year periods unless cancelled by either party. There is a possibility, therefore, that the term of the license agreement shall extend beyond ten years.

(g) DT used licensed music from Non-Stop between September 2010 and November 2010 without having a written agreement with Non-Stop. For this reason, DT has not paid Non-Stop for that use.

(h) Funds for last year's and this year's license fee have been appropriated in DT's budget. If funds are not appropriated in future years, DT will give notice of cancellation to Non-Stop Music. Either the City or Non-Stop Music may cancel the agreement on 60 days notice.

Section 2. Authorizations.

(a) Pursuant to Charter Section 9.118(b), the Board of Supervisors retroactively approves the license agreement with Non-Stop Music. A copy of the license agreement is on file with the Clerk of the Board of Supervisors in File No. 11-0496.

(b) The the Acting City Chief Information Officer of the Department of Technology and the Director of the Office of Contract Administration are hereby authorized to execute the license agreement with Non-Stop Music effective September 1, 2010 for a term that may

exceed ten years. ~~Copies of the license agreement are on file with the Clerk of the Board of Supervisors in File No. _____.~~

(c) DT may pay Non-Stop Music $500 for DT's use of Non-Stop Music's licensed music for the period of September through November 2010.

Section 3. Waivers. For the purpose of this license agreement, the Board of Supervisors finds that it is reasonable and in the public interest to grant waivers of the City contracting requirements specified below:

(a) The requirement of San Francisco Administrative Code Section 12F.5 that every contract contain a statement urging companies doing business in Northern Ireland to move toward resolving employment inequities, and encouraging them to abide by the MacBride Principles.

(b) The requirement of San Francisco Administrative Code Section 21.9(b) that contracts not contain an automatic renewal provision.

(c) The requirement of San Francisco Administrative Code Section 21.20 that every contract contain an insurance provision.

(d) The requirement of San Francisco Administrative Code Section 21.21 that any contractor entering into a contract with the City that involves the provision of intellectual property to the City must fully indemnify the City and any of its officers or agents from all damages, or claims for damages, costs or expenses resulting from an infringement claim.

(e) The requirement of San Francisco Administrative Code Section 21.35 that every contract include a statement regarding the liability of claimants for submitting false claims to the City.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
WILLIAM K. SANDERS
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110496 **Date Passed:** September 20, 2011

Ordinance retroactively approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement.

September 07, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 07, 2011 Budget and Finance Committee - RECOMMENDED AS AMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110496

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/20/2011
Date Approved

FILE NO. 110782

ORDINANCE NO. 183-11
RO #12002

[Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the law of the State of California and in conformity therewith a tax is hereby levied for San Francisco Community College District purposes for fiscal year ending June 30, 2012 on all property, real and personal in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of $0.0340 on each $100.00 valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows;

For General Operations, the rate of	$0.0144
For General Obligation Bond Debt Service, the rate of	$0.0196
TOTAL	**$0.0340**

Prepared By:

Controller

Approved As to Form:
Dennis J Herrera, City Attorney

BY: _____
Deputy City Attorney

Mayor Lee
BOARD of SUPERVISORS

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Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110782 **Date Passed:** September 20, 2011

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

September 07, 2011 Budget and Finance Committee - RECOMMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110782

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110783

ORDINANCE NO. 184-11
RO #12003

[Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the law of the State of California and in conformity therewith a tax is hereby levied for San Francisco Unified School District purposes for fiscal year ending June 30, 2012 on all property, real and personal in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of $0.1104 on each $100.00 valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows;

For General Operations, the rate of	$0.0770
For General Obligation Bond Debt Service, the rate of	$0.0334
TOTAL	**$0.1104**

Prepared By:

Controller

Approved As to Form:
Dennis J Herrera, City Attorney

BY: BEA
Deputy City Attorney

Mayor Lee
BOARD of SUPERVISORS

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Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110783 **Date Passed:** September 20, 2011

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

September 07, 2011 Budget and Finance Committee - RECOMMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110783

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110784

ORDINANCE NO. 185-11
RO #12004

[Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for FY ending June 30, 2012.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the law of the State of California and in conformity therewith a tax is hereby levied for San Francisco Bay Area Rapid Transit District purposes for fiscal year ending June 30, 2012 on all property, real and personal in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of $0.0104 on each $100.00 valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows;

For General Operations, the rate of	$0.0063
For General Obligation Bond Debt Service, the rate of	$0.0041
TOTAL	**$0.0104**

Prepared By:

Controller

Approved As to Form:
Dennis J Herrera, City Attorney

BY: _____
Deputy City Attorney

Mayor Lee
BOARD of SUPERVISORS

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110784 **Date Passed:** September 20, 2011

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for FY ending June 30, 2012.

September 07, 2011 Budget and Finance Committee - RECOMMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110784

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110847 ORDINANCE NO. 186-11

[Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798, (Unit 2)]

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 5 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2 by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 5 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110847

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth S. Salveson
ELIZABETH S. SALVESON
Chief Labor Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110847 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 2), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110847

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110849 ORDINANCE NO. 187-11

[Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 4 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110849.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH S. SALVESON
Chief Labor Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 110849 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110849

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110850 ORDINANCE NO. 188-11

[Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Fire]

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 4 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110850

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH S. SALVESON
Chief Labor Attorney

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110850 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110850

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110851 ORDINANCE NO. 189-11

[Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Unit P-2B)]

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B) by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B) by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 4 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110851.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH S. SALVESON
Chief Labor Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110851 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110851

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110848 ORDINANCE NO. 190-11

[Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798, (Unit 1)]

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 5 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1 by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 5 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110848

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH S. SALVESON
Chief Labor Attorney

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City and County of San Francisco
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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110848 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 1), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener
Excused: 1 - Chu

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener
Excused: 1 - Chu

File No. 110848

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110852 ORDINANCE NO. 191-11

[Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Police]

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for fiscal years 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

Amendment No. 4 to the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors in Board File No. 110852

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH S. SALVESON
Chief Labor Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110852 **Date Passed:** September 20, 2011

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

September 07, 2011 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110852

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/26/2011
Date Approved

FILE NO. 110781

ORDINANCE NO. 192-11
RO #12001

[Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for City and County purposes, for the fiscal year ending June 30, 2012, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of $1.0170 on each $100.00 valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum as aforesaid is hereby apportioned in accordance with the provision of Section 18.103 of the Charter to the funds and accounts and for the purpose designated as follows;

For the General Fund to meet the expenses of the City and County of San Francisco not subject to said limitations of Section 18.103 of the Charter, including the cost of elections, the construction, maintaining and improving streets, sewers and buildings, parks, squares, playgrounds and libraries, obligations imposed by the State Legislative or Constitutional enactment and obligations imposed by the vote of the People of the City and County of San Francisco, the rate of $ 0.8192 (1)

For the Library Preservation Fund, the rate of 0.0250

For the San Francisco Children's Fund, the rate of 0.0300

For the Open Space Acquisition Fund, the rate of 0.0250

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For the County Superintendent of School, the rate of	0.0010
For the General Obligation Bond Fund, the rate of	0.1147
SUBTOTAL	**$1.0149**
For the Bay Area Air Quality Management District the rate of	0.0021
Total Tax Rate for City and County of San Francisco	**$1.0170**

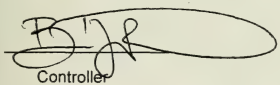
(1) Includes an estimated 0.2533 for the State-mandated tax shift to the Educational Revenue Augmentation Fund.

SECTION 2. Pursuant to Chapter 37.3(a)(6)(A) and (B) and (C) of the San Francisco Administrative Code, the Board of Supervisors hereby determines that the aforesaid rate includes the property tax pass-through rate of residential tenants of $0.0600 per $100 of assessed value which is attributable to three factors; 1) 100% of the City's general obligation bonds approved by voters between November 1, 1996 and November 30, 1998; 2) 50% of the City's general obligation bonds approved by voters after November 14, 2002; and 3) 50% of San Francisco Unified School District or San Francisco Community College District's general obligation bonds approved by voters after November 1, 2006, thus payable within the fiscal year ending June 30, 2012.

SECTION 3. The rate for the General Obligation Bond Fund accommodates a collection fee of 0.25% of the fund collected for the purpose of General Obligation Bond debt service. An amount sufficient to pay this fee is hereby appropriated within the General Obligation Bond

Fund and the Controller is hereby authorized to pay this fee into the General Fund from the General Obligation Bond Fund.

Prepared By:



Controller

Approved As to Form:

Dennis J Herrera, City Attorney

BY: _____

Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110781 **Date Passed:** September 20, 2011

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.

September 07, 2011 Budget and Finance Committee - RECOMMENDED

September 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110781

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/27/11
Date Approved

AMENDED IN BOARD
9/13/11

FILE NO. 110503 ORDINANCE NO. 193-11

[Administrative Code – Regulating Overtime Available For City Employees]

Ordinance amending Section 18.13.1 of the San Francisco Administrative Code to 1) limit the overtime worked in any fiscal year by any employee to ~~20~~25% of regularly scheduled hours ~~and requiring monthly written reports regarding critical staffing shortages~~ and; 2) to specify and modify written reports to be submitted regarding overtime information.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 18.13.1, to read as follows:

SEC. 18.13-1. MAXIMUM PERMISSIBLE OVERTIME.

(a) Employees may only work overtime if authorized by an appointing officer or designee, and employees may not assign themselves to work overtime. Appointing officers or designees shall only assign overtime when work cannot be completed within normal work schedules. Except as provided for below, absent prior approval of the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), no appointing officer shall suffer or permit any employee to: (i) work overtime hours that exceed, in any fiscal year, ~~thirty~~ twenty-five percent (~~30~~ ~~20~~ 25%) of the number of hours that the employee is regularly scheduled to work on a straight-time basis in that fiscal year (i.e., ~~624~~ ~~416~~ 520 hours for a full-time 2080 hour per year employee); or, (ii) work more than ~~eighty (80)~~ seventy-two (72) hours in a regular work week, except that this subsection (a)(ii) does not apply to uniformed Fire Department employees who do not work a standard 40 hour work

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week. For the purpose of calculating the maximum number of overtime hours an employee is permitted to work under this Section, hours attributed to vacation and other paid leaves shall be deemed included in the hours the employee is regularly scheduled to work on a straight-time basis in a fiscal year.

(b) An appointing officer may request an exemption from subsection (a) from the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency) based upon a critical staffing shortage according to criteria developed by the Director fo Human Resources and the Director of Transportation in consultation with the Controller's Office. Such criteria shall promote efficiency and advance public service. If an exemption is granted, the Director of Human Resources (or, if appropriate, the Director of the Municipal Transportation Agency), shall provide to the Controller a written explanation of the details justifying the exemption. Such an exemption shall be specific as to position(s) and/or job classification(s) based on operational needs, and, for example, may provide that exempted employee(s) may work hours in excess of those described in subsection (a)(i) if doing so would avoid mandatory overtime.

(c) The provisions of Subsection (a) shall not apply to overtime worked by any employee where the City and County of San Francisco incurs no direct or indirect additional costs and where the employee acquires no right to compensatory time off. For the purposes of this Section, "direct or indirect additional costs" includes any additional salary, wages, compensatory time or any other benefit provided at that time or deferred until a later date.

(d) At such time that the Controller deems appropriate, the City will evaluate an alternative payroll configuration to track overtime which is specifically and directly funded by private non-governmental sources and develop criteria to exempt such overtime from the requirements of subsection (a)(i) above.

~~(d~~e) An appointing officer may assign overtime hours exempt from subsection (a) above in the event of disasters, and like emergency situations where such overtime assignments are necessary to protect public safety.

~~(e~~f) At such time as the Controller submits to the Board of Supervisors six and nine month standard financial reports and, if performed, three month reports, the Controller shall include budgeted overtime versus actual overtime projections in such reports. These reports shall also describe the extent to which each department has complied with the requirements of this section. The Controller, in consultation with the ~~and~~ Director of Human Resources and the Director of Transportation, ~~with the assistance of department heads,~~ shall also submit an annual overtime ~~submit a biannual~~ report to the Board of Supervisors ~~by February 15th and May 15th of each year. The report shall include:~~ The annual overtime report shall include budgeted and actual overtime by department, the number of exemptions granted by the Directors of the Human Resources Department and the Municipal Transportation Agency and an aggregate analysis of the justifications for these exemptions, the identification of critical staffing shortages, improved management practices, and other recommendations to reduce overtime spending.

~~(1) Budgeted salaries for the immediately preceding fiscal year, budgeted overtime for the immediately preceding fiscal year, and budgeted overtime as a percentage of budgeted salaries for the immediately preceding fiscal year.~~

~~(2) Actual salary expenditures for the immediately preceding fiscal year, actual overtime expenditures for the immediately preceding fiscal year, and actual overtime as a percentage of actual salary expenditures for the immediately preceding fiscal year;~~

~~(3) Actual year to date salary, expenditures for the current fiscal year, actual year-to-date overtime expenditures for the current fiscal year, and actual year-to-date overtime~~

~~expenditures as a percentage of actual year-to-date salary expenditures for the current fiscal year;~~

~~(4) Projected salary expenditures for the current fiscal year, projected overtime expenditures for the current fiscal year, and projected overtime expenditures as a percentage of projected salary expenditures for the current fiscal year; and~~

~~(5) The extent to which each department has complied with the requirements of this section.~~

(~~f~~g) ~~The Controller shall submit a monthly report the Board of Supervisors and the Mayor's Budget Director listing the five City departments using the most overtime in the preceding month, listing exemptions granted based upon a critical staffing shortage, and including the written explanations described in subsection (b).~~ A hearing on the ~~this~~ reports described in subsection (f) shall be calendared as a standing agenda item of the Budget and Finance Committee or another fiscal committee of the Board of Supervisors as determined by the President of the Board of Supervisors.

(gh) If the ~~biannual~~ reports described in subsection (e) ~~identifies~~ identify any departments out of compliance with this section, then a hearing on each such department's noncompliance will be calendared as an agenda item of the Budget and Finance Committee or another fiscal committed of the Board of Supervisors as determined by the President of the Board of Supervisors, at which hearing each Appointing Officer or designee for such department will report his or her department's plan for coming into compliance with this section.

(hi) This ordinance is not intended to supersede overtime distribution rules contained in approved memoranda of understanding with the City's exclusive representatives except as necessary to ensure compliance with subsection (a) above to the extent allowable by State or local law.

Section 2. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ELIZABETH SALVESON
Chief Labor Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110503 **Date Passed:** September 20, 2011

Ordinance amending the San Francisco Administrative Code Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 25% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

July 13, 2011 Budget and Finance Committee - CONTINUED

July 20, 2011 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

July 20, 2011 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 26, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

August 02, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 06, 2011 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 13, 2011 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener
Noes: 1 - Avalos

September 20, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener
Noes: 1 - Avalos

File No. 110503

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/20/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/27/11
Date Approved

Amended in Committee,
9/8/11

FILE NO. 110766 ORDINANCE NO. 194-11

[Administrative Code – Overtime Appropriations]

Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to: 1) require separate overtime items in the budget for the Airport, Emergency Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and Park, and Sheriff; and 2) require those departments to obtain a separate supplemental appropriation to exceed those amounts.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 3.17, to read as follows:

SEC. 3.17. SEPARATE OVERTIME APPROPRIATIONS.

(a) The Annual Appropriations Ordinance shall contain a separate appropriation within annual operating funds *for overtime for each of the following departments: Airport; Emergency Management; Fire; Police; Public Health; Public Utilities; Public Works; Recreation and Park; and Sheriff.*

(b) Any department identified in subsection (a) that proposes to spend more on overtime than the amount so appropriated must first obtain a supplemental appropriation ordinance for that purpose.

(c) Notwithstanding Section 3.18, the Controller shall not transfer any funds previously appropriated to a department identified in subsection (a) for other uses, including salaries, to the department's overtime appropriation except pursuant to a supplemental appropriation ordinance.

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Section 2 . **Effective Date.** This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110766 **Date Passed:** September 27, 2011

Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to: 1) require separate overtime items in the budget for the Airport, Emergency Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and Park, and Sheriff; and 2) require those departments to obtain a separate supplemental appropriation to exceed those amounts.

September 08, 2011 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

September 08, 2011 Government Audit and Oversight Committee - AMENDED

September 20, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 27, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110766

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/27/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

9/29/2011
Date Approved

FILE NO. 110448 Amended in Committee 9/19/2011 ORDINANCE NO. 195-11

[Planning Code - Zoning Map - Establishing City Center Special Sign District]

Ordinance amending the San Francisco Planning Code Sections 602.10, 607.1, 608, adding Section 608.16, and amending Sectional Map SSD of the Zoning Map to establish the City Center Special Sign District encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block No. 1094, Lot No. 001) to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs; adopting findings, including environmental findings pursuant to the California Environmental Quality Act, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110448 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons specified in this legislation and in Planning Commission Resolution No. 18428, which is incorporated herein by reference as though fully set forth. A copy of said Resolution is on file with the Clerk of the Board in File No. 110448.

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(c) This Board finds that these Planning Code amendments are consistent with the General Plan and the Priority Policies of Section 101.1(b) of the Planning Code for the reasons set forth in said Planning Commission Resolution No. 18428, and the Board hereby incorporates such reasons into this ordinance by this reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 602.10, 607.1 and 608 to read as follows:

SEC. 602.10. IDENTIFYING SIGN.

A sign for a use listed in Article 2 of this Code as either a principal or a conditional use permitted in an R District, regardless of the district in which the use itself may be located, which sign serves to tell only the name, address and lawful use of the premises upon which the sign is located, or to which it is affixed. A bulletin board of a public, charitable or religious institution, used to display announcements relative to meetings to be held on the premises, shall be deemed an identifying sign. With respect to shopping malls containing five or more stores or establishments in NC Districts, and shopping centers containing five or more stores or establishments in NC-S Districts *or in the City Center Special Sign District*, identifying signs shall include signs which tell the name of and/or describe aspects of the operation of the mall or center. Shopping malls, as that term is used in this Section, are characterized by a common pedestrian passageway which provides access to the businesses located therein.

SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.

Signs located in Neighborhood Commercial Districts shall be regulated as provided *herein*~~herein~~ *in this Section*, except for those signs ~~which~~*that* are exempted by Section 603 of this Code *or as more specifically regulated in a Special Sign District under Sections 608 et seq*. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial Districts, provided, *however*, that with respect to properties ~~also~~ located in the Upper Market Special Sign District,

the provisions of Section 608.10 of this Code shall prevail *and in the City Center Special Sign District, the provisions of Section 608.16 of this Code shall prevail*.

In each such Special Sign District, signs, other than those signs exempted by Section 603 of this Code, shall be subject to the special ~~*limitations of*~~*controls in* Sections 608.1 through ~~*608.15*~~*608.16*, respectively, in addition to all other *or, if so expressly specified in those Sections, in lieu of other* applicable *sign* provisions of this Code. In the event of inconsistency with any other provision of Article 6, the most restrictive provision shall prevail unless this Code specifically provides otherwise.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial Districts.

(3) Neighborhood Commercial Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in NC Districts.** Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this

Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, shall be permitted in Neighborhood Commercial Districts, except in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign, as defined in Section 602.1(a) of this Code.

(1) **NC-2, NCT-2, and NC-S Districts.** No more than one general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) **NC-3, NCT-3, and Broadway Districts.** No more than one general advertising sign not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.

(A) **NC-3 and NCT-3 Districts.** Signs may be either nonilluminated or indirectly illuminated.

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) **NC-1 and NCT-1 Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) **NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Ocean Avenue, Polk Street, Sacramento Street, SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street - Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or

indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is

attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(4) **Special Standards for Automotive Gas and Service Stations.** For automotive gas and service stations in Neighborhood Commercial Districts, only the following signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for

freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or lease sign or nonilluminated sign of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f) for business signs in the respective NC District in which the sign is to be located. All temporary signs shall be promptly removed upon completion of the activity to which they pertain.

(h) **Special Sign Districts.** Additional controls apply to certain Neighborhood Commercial Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through ~~*608.11*~~*608.16* of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) **Restrictions on Illumination.** Signs in Neighborhood Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of

barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) **Broadway Neighborhood Commercial District.** Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) **NC-3. NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.**

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(j) **Other Sign Requirements.** Within Neighborhood Commercial Districts, the following additional requirements shall apply:

(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.

(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

(4) **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 608. SPECIAL SIGN DISTRICTS.

In addition to the zoning districts that are established under other Articles of this Code, there shall also be in the City such Special Sign Districts as are established in this Article 6 in order to carry out further the purposes of this Code. The designations, locations and boundaries of these Special Sign Districts shall be as provided in this Article and as shown on the Zoning Map referred to in Section 105, subject to the provisions of Section 105. The original of the sectional map of the Zoning Map for Special Sign Districts (numbered SSD) referred to in this Article is on file with the Clerk of the Board of Supervisors under File No. 138-62. In each such Special Sign District, signs, other than those signs exempted by Section 603 of this Code, shall be subject to the special ~~limitations of~~*controls in* Sections 608.1 through ~~608.15~~*608.16*, respectively, in addition to all other, *or, if so expressly specified in those Sections, in lieu of other,* applicable *sign* provisions of this Code. In the event of inconsistency with any other provision of Article 6, the most restrictive provision shall prevail unless this Code specifically provides otherwise.

Section 3. The San Francisco Planning Code is hereby amended by adding Section 608.16 to read as follows:

SEC. 608.16. CITY CENTER SPECIAL SIGN DISTRICT.

*(a) **General**. There shall be a* ~~special sign district~~Special Sign District *known as the "City Center Special Sign District" in the block bounded by Geary Boulevard on the north, Masonic Avenue on the west, O'Farrell Street on the south and Lyon Street on the east, as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No.110448. Signs in the City Center Special Sign District shall be subject to the provisions of Article 6 except that the controls as provided in this Section 608.16 shall apply in lieu of the sign controls specified in Section 607.1. Further, in the event of a conflict between*

the provisions of Section 608.16 that authorize specified signs and other provisions of Article 6, the provisions of Section 608.16 shall prevail notwithstanding any provision of the Code to the contrary.

*(b) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the City Center Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.*

(1) The City Center was built in 1951 as an approximately seven-acre, single-tenant, multi-level Sears department store on a site spanning four city blocks bounded by Geary Boulevard, Masonic Avenue, Lyon Street, and O'Farrell Street. The Sears store historically maintained projecting signs on the north and south elevations of the building, on a centrally located sign tower, in alcoves below the roofline of the building, and above pedestrian entries. The signs were scaled and located to provide visibility from the wide roadways bordering the City Center.

(2) In 1994, the City Center reopened as a multi-tenant shopping center. Signs on the sign towers and in roofline alcoves were removed at that time, limiting the visibility of the City Center and its tenants from Geary Boulevard.

(3) The City Center has experienced significant vacancy in recent years since its conversion to multi-tenant use, resulting in a loss of sales tax revenue to the City. Adequate, well-placed signs on both the building and at parking entrances are necessary to ensure that the City Center remains a viable retail center providing goods and services to residents, while generating sales tax revenue for the City.

(4) The City Center has six separate surface parking lots with separate entrances accessible from Geary Boulevard, Masonic Avenue and O'Farrell Street, which are built at different grades and cannot feasibly be connected. Directional signs at parking lot entrances are necessary to direct motorists to the lot adjacent to the store they intend to visit and to minimize traffic congestion on surrounding streets.

(5) The City Center has multiple entrances and levels, with commercial units on the lower and upper stories with access to stores from streets or from one of the six separate surface parking lots. Signs and other advertising devices for on-site businesses are essential to the general quality and economic stability of the City Center. Current sign regulations, which are tailored to smaller storefronts typical of the City's neighborhood commercial districts, do not provide sufficient visibility for businesses located in the City Center, a large-scale development with a building height, bulk, appearance and site configuration that differs from that of other neighborhood commercial districts.

(6) Sign sizes, number, height and placement should take into account the configuration of the site development and the adjacent wide streets and an expressway, in order to provide visual relief to the large area of the building, visibility for its businesses and identity for the City Center as a whole.

(7) Additional projecting signs, wall signs, and directional signs at parking lot entrances would improve the visual appeal, identity, and long-term viability of the City Center, while improving access to its parking facilities and minimizing traffic congestion.

*(c) **Definitions**. Within the City Center Special Sign District, the following definitions shall apply in addition to the applicable definitions in Sections 602 et seq.:*

*(1) **Copy Area.** On a directional sign, projecting sign, or sign tower, copy area shall refer to the entire area within a single continuous rectangular perimeter formed by extending lines around the extreme limits of writing, representation, emblem, or any figure of similar character.*

*(2) **Directional Sign.** A directional sign shall mean a sign identifying the location of a parking lot entry and the names of the businesses accessible from such lot. A directional sign may also identify the number of parking spaces available in the adjacent parking lot and the name of the shopping center.*

*(3) **Internal Wayfinding Signs.** Internal wayfinding signs shall mean signs located entirely on private property which are intended to direct vehicles and pedestrians within the site. Internal wayfinding signs shall be designed to be minimally visible from any public right of way.*

*(d) **Controls Generally.** The sign controls applicable in the City Center Special Sign District are specified in this Section 608.16. All signs or sign features not otherwise specifically authorized in this Section 608.16 or exempted in Sections 603 or 604 shall be prohibited.*

*(e) **Illumination**. All signs may be non-illuminated, indirectly or directly illuminated. Signs may not be flashing, blinking, fluctuating or otherwise animated light.*

*(f) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to the limits set forth below.*

*(1) **Wall Signs.** Wall signs, as defined in Section 602.22, shall be permitted as follows:*

*(A) **Wall Signs Above Pedestrian Entries from a Parking Lot**. For a business occupying 8,000 square feet or more, one wall sign up to 200 square feet in area shall be permitted above each pedestrian entry to the business from a parking lot. For a business occupying less than 8,000 square feet, one wall sign up to 75 square feet in area shall be permitted above each pedestrian entry to the business from a parking lot. The height of any parking lot entry wall sign shall not exceed 28 feet.*

*(B) **Wall Signs Above Pedestrian Entries from a Public Sidewalk**. The area of all wall signs located above pedestrian entries from a public sidewalk shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 feet for each street frontage, whichever is less. The height of any street entry wall sign shall not exceed 24 feet.*

*(C) **Other Wall Signs.** The following additional wall signs shall be permitted:*

(i) Up to three additional wall signs shall be permitted on each of the Masonic ~~Street~~Avenue *and Geary* ~~Street~~Boulevard *frontages. The area of each sign shall be limited to a maximum of 115 square feet. The height of such wall signs shall not exceed 48 feet.*

(ii) At the intersection of Geary Boulevard *and Lyon Street*s*, up to 500 square feet of wall signs shall be permitted, provided that no wall sign for a single use shall occupy more than 80 square feet. The height of such wall signs shall not exceed the height of the wall on which they are located.*

(iii) One wall sign shall be permitted in each of the two existing sign alcoves located below the roofline of the building on the primary west and east building elevations perpendicular to Geary Boulevard, subject to the following conditions: wall signs shall be no higher than the wall to which they are attached, shall have a maximum area of 170 square feet, and shall be identifying signs, as defined in Section 602.10, for the shopping center.

*(2) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.*

*(3) **Projecting Signs.** A total of six projecting signs shall be permitted within the Special Sign District, subject to the following limitations, provided, however, that the limits on the number of projecting signs per business and size of projecting signs set forth elsewhere in this Code shall not apply.*

(A) Projecting signs may be identifying signs for the shopping center, or business signs or may contain seasonal messages.

(B) No projecting sign shall project more than eight feet over the property line or exceed the height of the wall to which it is attached by more than 10 feet.

(C) Five projecting signs shall be permitted on Geary ~~Street~~Boulevard, *each with up to 2 faces. One such sign shall be permitted to have an area up to 540 square feet per face and a maximum copy area of 240 square feet per face. Four such signs shall be permitted to have an area up to 470 square feet per face, and a maximum copy area of 240 square feet per face.* As of the effective date of this ordinance, the building has one existing projecting sign on Geary Boulevard with an area of 540 square feet. The new projecting signs authorized by this section on Geary Boulevard shall be visually distinct from and subordinate to the existing projecting sign.

(D) One projecting sign shall be permitted on the building fronting the parking lot at the intersection of Masonic Avenue and O'Farrell Street. Such sign shall be permitted to have an area up to 752 square feet per face, and a maximum copy area of 240 square feet per face.

*(4) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall be permitted as follows:*

(A) One freestanding sign shall be permitted near the intersection of Masonic Avenue and O'Farrell Street. Such sign shall be located wholly on private property and shall identify the name of the shopping center and its tenants. Such sign may have up to 2 faces and shall be limited to a height of 35 feet, a total area of260 square feet per face and a copy area of 140 square feet per face.

(B) One freestanding directional sign with up to 2 faces shall be permitted at each parking lot entry, up to a maximum of seven within the Special Sign District. Directional signs shall not exceed a height of 15 feet. The area of a directional sign tower shall not exceed 50 square feet per face, and the copy area shall not exceed 20 square feet per face.

(C) On the existing central sign tower, located approximately in the center of the property and adjacent to the rooftop penthouse, two signs shall be permitted subject to the following conditions: the copy area shall not exceed 240 square feet per sign, the height shall not exceed the height of the existing central sign tower to which they are attached, and such signs shall be limited to identifying signs for the shopping center.

*(g) **Exempt signs.** In addition to signs exempted under Sections 603 and 604, internal wayfinding signs shall be exempt in the City Center Special Sign District.*

*(h) **Temporary signs.** Signs authorized in Section 607.1(g) pertaining to temporary signs shall be authorized in the City Center Special Sign District-.*

Section 4. The San Francisco Planning Code is hereby amended by amending Sectional Map SSD of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Sign District Hereby Approved
Assessor's Block 1094, Lot 001	City Center Special Sign District

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 6. This section is uncodified.

In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation. This Ordinance shall not be construed to effectuate any unintended amendments. Any additions or deletions not explicitly shown as described above, omissions, or other technical and non-substantive differences between this Ordinance and the Planning Code that are contained in this legislation are purely accidental and shall not effectuate an amendment to the Planning Code. The Board hereby authorizes the City Attorney, in consultation with the Clerk and other affected City departments, to make those necessary adjustments to the published Planning Code, including non-substantive changes such as renumbering or relettering, to ensure that the published version of the Planning Code is consistent with the laws that this Board enacts.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elaine C. Warren
Elaine C. Warren
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 110448 **Date Passed:** September 27, 2011

Ordinance amending the San Francisco Planning Code Sections 602.10, 607.1, 608, adding Section 608.16, and amending Sectional Map SSD of the Zoning Map to establish the City Center Special Sign District encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block No. 1094, Lot No. 001) to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs; adopting findings, including environmental findings pursuant to the California Environmental Quality Act, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

September 19, 2011 Land Use and Economic Development Committee - REFERRED WITHOUT RECOMMENDATION AS AMENDED AS A COMMITTEE REPORT

September 20, 2011 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 19, 2011 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 27, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110448

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/27/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

10/4/11
Date Approved

FILE NO. 110786 Amended in Committee 9/12/2011 ORDINANCE NO. 196-11

[Planning Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for Large Project Authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110786 and is incorporated herein by reference.

(b) On July 21, 2011, the Planning Commission, in Resolution No. 18412 approved and recommended this legislation for adoption by the Board of Supervisors and adopted findings that it is consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said

Resolution is on file with the Clerk of the Board of Supervisors in File No. 110786, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this legislation will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18412, and incorporates such reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 102.5, 121.8, 134, 135, 140, 145.1, 145.5, 151.1, 157.1, 175.8, 207.1, 218, 227, 231A, 249.36, 249.37, 249.38, 329, 352, 401, 411.3, 419.2, 419.5, 423.5, 607.2, 726, 734, 735, 736, 736.1, 781.5, 803.3, 803.8, 803.9, 814.31, 814.49, 840, 841, 842, 843, 890.49, 890.54, to read as follows:

SEC. 102.5. DISTRICT.

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and

Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU *Districts* named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825, 827, 828, and 829.

SEC. 121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR-*1-B AND PDR-2* DISTRICTS.

In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-*1-B and PDR-2* Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot, as defined in the land use controls for PDR Districts in Section 218 (Retail Sales and Personal Services) and Section 219 (Offices) of this Code. Additionally, a cumulative use size maximum applies in PDR-*1-B and PDR-2* Districts, such that the combined floor area of any and all uses permitted by Sections 218 and 219 may not exceed the limits stated in the table below for any given lot.

These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3

of this Code.

District	Cumulative Use Size Limit, All Uses per Section 218	Cumulative Use Size Limit, All Uses per Section 219	Total Size Maximum. All Uses per Sections 218 and 219 Combined
PDR-1-B	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND SSO DISTRICTS.

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

(a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the districts indicated:

(1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. For buildings containing only SRO units in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in Subsection (c) below.

(A) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, NCT-1, Inner Sunset, Outer Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley, and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit.

[DIAGRAM: OMITTED BUT NOT TO BE DELETED]

(C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

(D) **Upper Market NCT and Upper Market NCD.** Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market

NCT that do not contain residential uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (e).

(2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts.** The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.

[DIAGRAM: OMITTED BUT NOT TO BE DELETED]

(b) **Permitted Obstructions.** Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed or maintained within any such yard. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

(c) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts.** The rear yard requirement stated in Paragraph (a)(2) above, for RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1) above, for single room occupancy buildings located in either the South of Market Mixed Use or Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this paragraph whose rear yard can be reduced in the circumstances described in Subsection (c) to a 15-foot minimum, under no circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to 25 percent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

(1) **General Rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for single room occupancy buildings in the South of Market Mixed Use Districts, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

(2) **Alternative Method of Averaging.** If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

(3) **Method of Measurement.** For purposes of this Subsection (c), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least ½ the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be

considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

(4) **Applicability to Special Lot Situations.** In the following special lot situations, the general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.

[DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

(A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of the subject lot, or 15 feet, whichever is greater.

(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot,

provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both street or alley frontages of the subject through lot.

[DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

(d) **Reduction of Requirements in C-3 Districts.** In C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

[DIAGRAM: OMITTED BUT NOT TO BE DELETED]

(e) **Modification of Requirements in NC and South of Market Mixed Use Districts.** The rear yard requirements in NC and South of Market Mixed Use Districts may be modified or waived in specific situations as described in this Subsection (e).

(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in accordance with Section 307(g), in the case of South of Market Mixed Use Districts if all of the following criteria are met for both NC and South of Market Mixed Use Districts:

(A) Residential uses are included in the new or expanding development and a

comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

(2) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or on a lot at the intersection of a street and an alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25 percent of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Paragraph are met.

(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(C) The open area will provide for the access to light and air to and views from adjacent properties.

(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section.

(f) **Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be

modified or waived by the Planning Commission pursuant to Section 329, and *modified* by the Zoning Administrator pursuant to the procedures ~~*and criteria*~~ set forth in Section 307(h) for other projects, provided that:

(1) ~~*Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot or within the development*~~ *A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development*;

(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties *or adversely affect the interior block open space formed by the rear yards of adjacent properties*; and

(3) ~~*The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.*~~ *The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).*

(g) **Reduction of Requirements in the North of Market Residential Special Use District.** The rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site, provided that the Zoning Administrator determines that all of the following criteria are met:

(1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and

(2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.

[DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section unless otherwise specified in specific district controls elsewhere in this Code.

(a) **Character of Space Provided**. Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing).

(b) **Access.** Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

(1) Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

(2) Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted.

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located~~, provided, however, that in the Downtown Residential (DTR) Districts, open space shall be provided in the amounts specified in Section 825~~.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum amount of open space required shall be in no case greater than the amount set forth in Table 135A for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street there from, whichever requires less open space.

(1) For dwellings other than *those specified in* ~~*SRO dwellings, except as provided in*~~ Paragraphs (d)(*2*~~*3*~~) *through (d)(5)* below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of Table 135A if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of Table 135A. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom *or SRO unit* shall be 1/3 the amount required for a dwelling unit as specified in Paragraphs (d)(1) above *and (d)(4) and (d)(5), below*. For purposes

of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be ½ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

(4) **DTR Districts.** For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in this Section unless otherwise established in this subsection or in Section 825 or a Section governing an individual DTR District. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

*(5) **Eastern Neighborhoods Mixed Use Districts**. The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom*

shall be 1/3 the amount required for a dwelling unit as specified in Table 135B.

TABLE 135A

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling	

	unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
80 square feet	54 square feet	50%

(e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

(f) **Private Usable Open Space: Additional Standards.**

(1) Minimum Dimensions and Minimum Area. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a mini-mum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.

[DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter,

whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

(3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is

such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

[DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

(h) **Publicly-Accessible Usable Open Space Standards:** In DTR Districts and the Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

(1) Open space shall be of one or more of the following types:

(A) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas;

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in Subsection (2)(d), below;

(C) An unenclosed pedestrian pathway which complies with the standards of Section 270.2 and which is consistent with applicable design guidelines.

(D) Streetscape improvements with landscaping and pedestrian amenities that result in additional pedestrian space beyond the pre-existing sidewalk width and conform to the Better Streets Plan and any other applicable neighborhood streetscape plans per Section 138.1 or other related policies such as those associated with sidewalk widenings or building setbacks, other than those intended by design for the use of individual ground floor residential units; and

(2) Open space shall meet the following standards:

(A) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

(B) Be appropriately landscaped;

(C) Be protected from uncomfortable winds;

(D) Incorporate ample seating. Any seating which is provided shall be available for public use and may not be exclusively reserved or dedicated for any food or beverage services located within the open space;

(E) Be well signed and accessible to the public during daylight hours;

(F) Be well lit if the area is of the type requiring artificial illumination;

(G) Be designed to enhance user safety and security;

(H) Be of sufficient size to be attractive and practical for its intended use; and

(I) Have access to drinking water and toilets if feasible and appropriate.

(3) **Maintenance:** Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed by the Commission or Department pursuant to applicable procedures in this Code.

(4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly-accessible open space. The plaque shall identify said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats or other defining features) and stating the name, telephone number, and address of the owner or owner's agent responsible for

maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless specifically reduced by the Zoning Administrator in cases where the nature, size, or other constraints of the open space would make the proscribed dimensions inappropriate.

(5) Property owners providing open space under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction, use, or maintenance of open space. Property owners are solely liable for any damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space.

(i) **Off-Site Provision of Required Usable Open Space.**

(1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement, subject to Section 329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's required usable open space shall be off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

(2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open space may be counted toward the requirements of residential open space per the procedures of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project, and meets the standards of subsection (h).

(A) At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

(B) **Open Space Provider.** The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 303. Any such open space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's usable open space requirement may be satisfied off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its certificate of final completion from the Department of Building Inspection prior to the

issuance of any certificate of final completion or temporary certificate of occupancy for the project itself.

SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

(a) With the exception of dwelling units in single room occupancy buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly on an open area of one of the following types:

(1) A public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for single room occupancy buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.

(b) For historic buildings identified in Section 307(h)(*13*) which are located within the Eastern Neighborhoods Mixed Use Districts, the requirements of this Section 140 may be modified or waived ~~*by the Zoning Administrator*~~ pursuant to the procedures and criteria set forth

in Sections 307(h) *and 329*.

[DIAGRAM: OMITTED BUT NOT TO BE DELETED]

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

(a) **Purpose.** The purpose of this Section is to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts.

(b) **Definitions.**

(1) **Development lot.** A "development lot" shall mean:

(A) Any lot containing a proposal for new construction, or

(B) Building alterations which would increase the gross square footage of a structure by 20 percent or more, or

(C) In a building containing parking, a change of more than 50 percent of the building's gross floor area to or from residential uses, excluding residential accessory off-street parking.

(2) **Active use.** An "active use", shall mean any principal, conditional, or accessory use which by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units which provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25% of building frontage, whichever is larger.

(D) Public Uses described in 790.80 and 890.80 are considered active uses except utility installations.

(c) **Controls.** The following requirements shall generally apply, except for those controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling Height, which only apply to a "development lot" as defined above.

In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain customer entrances to commercial spaces.

(1) **Above-Grade Parking Setback.** Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. In C-3 Districts. parking above the ground level, where permitted, shall also be designed to facilitate conversion to other uses by maintaining level floors and a clear ceiling height of nine feet or equal to that of the adjacent street-fronting active uses, whichever is greater. Removable parking ramps are excluded from this requirement.

The following shall apply to projects subject to this section:

(A) when only one parking space is permitted, if a space is proposed it must be within the

first 25 feet of the building;

(B) when two or more parking spaces are proposed, one space may be within the first 25

feet of the building;

(C) when three or more parking spaces are proposed, all parking spaces must be set back at least 25 feet from the front of the development.

(2) **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no more than one-third or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces. Off-street parking and loading are also subject to the provisions of Section 155 of this Code. In C-3 Districts, so as not to preclude the conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped, and the floor shall be aligned as closely as possible to sidewalk level along the principal pedestrian frontage and/or to those of the street-fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or equal to that of street-fronting commercial spaces,

whichever is greater. Removable parking ramps are excluded from this requirement.

(3) **Active Uses Required.** With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

(4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in this Code:

(A) Ground floor non-residential uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade.

(B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR, Chinatown Mixed Use, RSD, SLR, SLI, *SPD*, SSO, MUG, MUR, and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

(C) Ground floor non-residential uses in all RC districts, C-2 districts, RED districts, and NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.

(5) **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Street-facing ground-level spaces housing non-residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open directly onto the street, rather than solely into lobbies and

interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.

(6) **Transparency and Fenestration.** Frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

(7) **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

(d) **Exceptions for Historic Buildings.** Specific street frontage requirements in this Section may be modified or waived by the Planning Commission for structures designated as landmarks, significant or contributory buildings within a historic district, or buildings of merit when the Historic Preservation Commission advises that complying with specific street frontage requirements would adversely affect the landmark, significant, contributory, or meritorious character of the structure, or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

SEC. 145.5. GROUND FLOOR STANDARDS IN INDUSTRIAL DISTRICTS.

All new buildings constructed in Industrial Districts, as defined in Section 201, shall provide ground floor spaces with a minimum *floor-to-floor* ~~*clear ceiling*~~ height of *17* ~~*15*~~ feet, as measured from grade. In existing buildings, a minimum clear ceiling height of 15 feet shall be

retained where currently existing. Any building permit which seeks to reduce the *floor-to-floor* ~~*clear ceiling*~~ height to less than *17*~~*15*~~ feet shall require a variance as set forth in Section 305 of this Code.

SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

(a) **Applicability.** This subsection shall apply only to DTR, NCT, Upper Market Street NCD, RTO, Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G or C-3 Districts.

(b) **Controls.** Off-street accessory parking shall not be required for any use, and the quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. For non-residential and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of off-street parking that may be provided as accessory shall be no more than 50% greater than that indicated in Table 151.1. Variances from accessory off-street parking limits, as described in this Section, may not be granted. Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall be classified not as accessory parking but as either a principally permitted or conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 157 and 157.1 of this Code.

(c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such number or ratio shall refer to the total number of parked cars accommodated in the project proposal, regardless of the arrangement of parking, and shall include all spaces accessed by mechanical means, valet, or non-independently accessible means. For the purposes of determining the total number of cars parked, the area of an individual parking space, except

for those spaces specifically designated for persons with physical disabilities, may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a parking space may be considered and counted as an off-street parking space at the discretion of the Zoning Administrator if the Zoning Administrator, in considering the possibility for tandem and valet arrangements, determines that such area is likely to be used for parking a vehicle on a regular basis and that such area is not necessary for the exclusive purpose of vehicular circulation to the parking or loading facilities otherwise permitted.

(d) **Car-share parking.** Any off-street parking space dedicated for use as a car-share parking space, as defined in Section 166, shall not be credited toward the total parking permitted as accessory in this Section.

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 and SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR,	P up to one car for each four dwelling units; up to one car

Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.
Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units in NCT Districts and the Upper Market Street NCD, except as specified below	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in the Ocean Avenue NCT Districts	P up to one car for each unit; NP above.
Dwelling units in RTO Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and

	procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit ~~*and subject to the conditions of 151.1(g)*~~; NP above.
Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(g); NP above.
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5
Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement.
Residential care facility	P up to one for each 10 residents.
Child care facility	P up to one for each 25 children to be accommodated at

	any one time.
Elementary school	P up to one for each six classrooms.
Secondary school	P up to one for each two classrooms.
Post-secondary educational institution	P up to one for each two classrooms.
Church or other religious institutions	P up to one for each 20 seats.
Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	P up to one for each 15 seats.
Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
All office uses in C-3, DTR, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd *Streets* and 4th Streets *north of Berry Street*	P up to one car per 500 square feet of gross floor area; NP above.

Non-residential uses in RTO and RM districts permitted under Section 231.	None permitted.
All non-residential uses in NCT districts and the Upper Market Street NCD, except for retail grocery stores with over 20,000 gross square feet except as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g) NP above.
Retail grocery store uses in NCT districts and the Upper Market Street NCD with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g) C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.
All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than 1/4 mile from Market, Mission, 3rd *Streets* and 4th Streets *north of Berry Street*, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of gross floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar,	P up to one for each 200 square feet of occupied floor area.

nightclub, pool hall, dance hall, bowling alley or other similar enterprise	
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	P up to one for each 1,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	P up to one for each 4,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
Mortuary	P up to five.
Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.

Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
Laboratory	P up to one for each 1,500 square feet of occupied floor area.
Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

(e) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code.

(1) In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

(A) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

(B) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(C) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(D) All parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(E) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(2) Additionally, in granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the following findings are made by the Commission:

(A) that the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood; and

(B) that these localized transportation impacts may be lessened for the neighborhood by the provision of car-share membership to residents.

(f) In C-3 Districts, any request for accessory parking in excess of what is permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309 of this Code.

(1) In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Planning Commission shall make the following affirmative findings:

(A) For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands. The Planning Commission may authorize the request for additional parking

notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking space above the maximums in Table 151.1

(B) For any project with residential accessory parking in excess of 0.375 parking spaces for each dwelling unit, the project complies with the housing requirements of Sections 415 through 415.9 of this Code except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 415.3(a)(2) shall apply to the project.

(C) The findings of Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) are satisfied;

(D) All parking meets the active use and architectural screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

(2) Additionally, in granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the findings set forth in Section 151.1(e)(2) are made.

(g) In RTO and NCT districts and the Upper Market Street NCD, any request for accessory parking in excess of what is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning

Commission as a Conditional Use. In MUG, MUR, MUO, and SPD Districts, any project subject to Section 329 and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission according to the procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed under the procedures detailed in subsection (h), below.

(1) In granting such Conditional Use or exception per 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(A) **Parking for all uses.**

(i) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(ii) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(iii) All above-grade parking is architecturally screened and, where appropriate, lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(iv) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(B) **Parking for Residential Uses.**

(i) For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

(C) **Parking for Non-Residential Uses.**

(i) Projects that provide more than 10 spaces for non-residential uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be used for long-term storage nor satisfy the requirement of Section 166, but rather to park them during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection (B).

(ii) Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

(iii) Parking shall be limited to short-term use only.

(iv) Parking shall be available to the general public at times when such parking is not needed to serve the use or uses to which it is accessory.

(2) Additionally, in granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the findings set forth in Section 151.1(e)(2) are made.

(h) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that is not subject to the requirements of Section 329 and that requests residential accessory parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the

Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning Administrator determines that all of the following conditions are met:

(1A) all the conditions of subsection (f)(1) above have been met.

(2B) parking is not accessed from any protected Transit or Pedestrian Street described in Section 155(r), and

(3C) where more than ten spaces are proposed at least half of them, rounded down to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

(i) **Transportation programs in South of Market Mixed Use Districts.** Within the South of Market Mixed Use Districts, upon approval by the Zoning Administrator pursuant to Section 307(g), bars, restaurants, arts, nighttime entertainment and pool halls with an area greater than 10,000 gross square feet may be required to participate in a Transportation Management Program approved by the Zoning Administrator which may include, but need not be limited to, participation in a coordinated off-site satellite parking facilities program, shuttle service, bicycle parking, projects and programs to improve parking management, specified signage, and designated advertising procedures.

SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY PARKING GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND DTR DISTRICTS.

(a) In considering a Conditional Use application for a non-accessory parking garage in Eastern Neighborhoods Mixed Use Districts and DTR Districts, the Planning Commission shall affirmatively find that such facility meets all the criteria and standards of this Section, as

well as any other requirement of this Code as applicable.

(b) A non-accessory garage permitted with Conditional Use may not be permitted under any condition to provide additional accessory parking for specific residential or non-residential uses if the number of spaces in the garage, in addition to the accessory parking permitted in the subject project or building, would exceed those amounts ~~*Not P*~~permitted *as-of-right or as a Conditional Use* by Section 151.1

(c) **Criteria.**

(1) Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and

(2) Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and

(3) Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and

(4) Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners or users of any particular use or building except in cases that such parking meets the criteria of subsection (d) or (e) below; and

(5) Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Section 155.2; and

(6) Such facility, to the extent open to the public per subsection (4) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and

(7) Vehicle movement on or around the facility does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the

district; and

(8) Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.

(d) **Parking of Fleet Vehicles.** Parking of fleet of commercial or governmental vehicles intended for work-related use by employees and not used for parking of employees' personal vehicles may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria except criteria (4) and (6).

(e) **Pooled Residential Parking.** Non-accessory parking facilities limited to use by residents, tenants or visitors of specific off-site development(s) may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria under (c) except criteria (4) and (6), and provided that the proposed parking on the subject lot would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or 309.*1 and 329* exception as accessory for the uses in the off-site residential development. For the purpose of this subsection, an "off-site development" is a development which is existing or has been approved by the Planning Commission or Planning Department in the previous 12 months, is located on a lot other than the subject lot, and does not include any off-street parking. *A Notice of Special Restrictions shall be recorded on both the off-site and subject development lot indicating the allocation of the pooled parking.*

SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.

Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require conditional use authorization five years after the effective date of Ordinance Number *298-08* in order to allow for greater scrutiny of Integrated PDR uses in light of the City's Enterprise Zone Payroll Tax Credit program. The Planning Commission and Board of Supervisors should consider revising this control to continue permitting Integrated PDR uses if data show that 25 percent of all employees in areas Integrated PDR uses are eligible for the City's Enterprise

Zone Payroll Tax Credit.

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.

The following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot. Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.

(b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

(f) In *the* RTO ~~*and RTO-M*~~ District~~s~~, dwelling units that are affordable (meeting the criteria of Section *406(b)*~~*326.3(h)(2)(B)*~~ or the requirements of Section *415* ~~*315*~~) shall not count

toward density calculations or be limited by lot area.

SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
													SEC. 218. RETAIL SALES AND PERSONAL SERVICES.
													The uses specified in this Section shall not include any use first specifically listed in a subsequent Section of this Code.
P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(a) Retail business or

													personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.
	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; *C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or*	P under 5,000 gsf per lot; *C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or*	P under 2,500 gsf	P under 2,500 gsf per lot*#	(b) Retail business or personal service establishment not limited to sales or services primarily for residents in the immediate

									exercise facility when including equipment and space for weight-lifting and cardiovascular activities.	*exercise facility when including equipment and space for weight-lifting and cardiovascular activities*			vicinity, and not restricted to sale of new commodities.
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 2,500 gsf per lot; C above~~	~~P under 5,000 gsf per lot C above~~	~~P under 2,500 gsf per lot~~	~~P under 2,500 gsf per lot[3]~~	~~(c) Grocery stores, as defined in Section 790.102(a).~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 2,500 gsf per lot; C above~~	~~P under 5,000 gsf per lot C above~~	~~P under 2,500 gsf per~~	~~P under 2,500 gsf~~	~~(d) Health club, fitness, gymnasium, or exercist facility when including equipment and space for weight lifting~~

											~~lot~~	~~per lot*~~	~~and cardiovascular activities.~~
													*Subject to the limitations of Section 121.8.

SEC. 227. OTHER USES.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
P	P				P	P	P	P	P	P	P	P	(a) Greenhouse.
P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Urban Agriculture.
	C			C	C	P	P	P	P		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	C	C	C	C	(d) Public structure or use of a nonindustrial character, when in

													conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	P	P	P	P	P	P	P	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(r#)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	C	C		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of

													Supervisors under other provisions of law, and which includes:
													(1) Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and
													(2) Landing field for aircraft.
C*	C*	C	C	C	C	C	P	P	P	P		P	(g) Public transportation facility, when in conformity with the General Plan, other

													than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	P	P	C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where:
													(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser

													height; and
													(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
													(1) Any portion of such facility exceeds a height

													of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or
													(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)

P*	P*	P	P	P	P	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.
C	C					C	C	C	C#	C#	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
								P					(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.
SEE SECTIONS 205 THROUGH 205.2													(o) Temporary uses,

													as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)
P	P	P	P	P	P	P	P	P	P##	P##	P##	P##	(p) Arts activities.
	P						P	P				P	(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.
C	C	C	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	P	P	P	P	P	P	P under	P under	P under	P under	(s) Fringe financial services, as defined in Section 249.35, and

									2,500 gsf per lot; c above	5,000 gsf per lot; c above	2,500 gsf per lot; and subject to con-trols of Sec. 121.8	2,500 gsf per lot and subject to con-trols of Sec. 121.8	subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.
NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NP	NP	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain

													only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70); (B) Any retail uses are subject to any perparcel size controls of the subject zoning district; (C) No residential uses shall be permitted; (D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in

													subsection (E) below (E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sec*tions* 220, ~~*and*~~ 222, *223, 224, 225, 226,* ~~*through*~~ 227*(a), 227(b), and 227(p)* of this Code. *Such PDR units may be independently accessible from the street.* (F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be

													permitted only as long as the provisions of this subsection (D) and (E) are met. To facilitate
													review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area. (2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section. (3) Where permitted, S.E.W. Buildings are

													exempt from the controls in Sec. 230~~1~~ limiting demolition of industrial buildings.
NA	NA	NA	NA	NA	NA	NA	NA	NA	P. subject to con-trols in Sec. 890.49	P. subject to con-trols in Sec. 890.49	NP	NP	(u) Integrated PDR, as defined in Sec. 890.49
C	C	C	C	C	C	C	C	C			C	C	(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the

													sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1, 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body

													of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3201(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

	[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]
	~~[## For these districts, commercial production and post production of video and digital films, including special effects production, is subject to the use size restrictions per Section 219 Offices.]~~
	[*See Section 212(a)]

SEC. *230* ~~*231A*~~. DEMOLITION OF INDUSTRIAL BUILDINGS IN PDR DISTRICTS, REPLACEMENT REQUIREMENTS.

(a) In order to preserve the existing stock of buildings suitable for industrial activities and to create new viable space for industrial operations in PDR Districts, an industrial building that is not unsound and is proposed for demolition must be replaced by a new building that complies with the criteria set forth below:

(1) If the building proposed for demolition represents greater than 0.4 FAR, then the replacement building shall include at least one square foot of industrial use for each square foot of industrial use in the building proposed for demolition.

(2) If the building proposed for demolition represents 0.4 FAR or less, then the

replacement building shall include at least two square feet of industrial use for each square foot of industrial use in the building proposed for demolition.

(b) **Definitions.** For the purpose of this subsection, the following definitions shall apply:

(1) Unsound shall refer to buildings in which rehabilitation would cost fifty percent (50%) or more to construct a comparable building.

(2) *For purposes of this section, i*Industrial use shall refer to any legally authorized use of a building or portion of a building that is included in Planning Code Section*s* 220, ~~or~~ 222, *223, 224, 225, 226, ~~through~~* 227*(a), 227(b), 227(c), 227(t), and 227(u)*.

(3) An industrial building shall mean any building containing any industrial use.

SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

(a) **Purpose.** The Life Science and Medical Special Use District is intended to support uses that benefit from proximity to the University of California. San Francisco (UCSF) campus at Mission Bay. These uses include medical office and life science (biotechnology) uses.

(b) **Geography.** The boundaries of the Life Science and Medical Special Use District are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east. Within this area, the Dogpatch Historic District is generally excluded.

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section:

(1) **Medical Services.** Medical services, including medical offices and clinics, as defined in Section 890.114, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. ~~*219.1 and*~~ 803.9(h)). For the purposes of this Section, a medical service use may be affiliated with a hospital or medical center as defined in 890.44

(2) **Life Science Offices.** Office uses that contain Life Science facilities, as defined in Section 890.53, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

(3) **Life Science Laboratories.** Laboratories that engage in life science research and development, as defined in Section 890.52, are a principally permitted use and are exempted from use size limitation, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.

(a) **Purpose.** The purpose of the Innovative Industries Special Use District is to provide affordable office space to small firms and organizations which are engaged in innovative activities, including incubator businesses and microenterprises.

(b) **Geography.** The boundaries of the *Innovative Industries* ~~*Life Science*~~ Special Use District are shown on Sectional Map No. 8SU of the Zoning Map.

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except that:

(1) office uses shall be principally permitted uses on all stories above the ground story.

(2) retail uses shall be subject to the size controls applicable in the Urban Mixed Use District, as stated in Sec. 843.45.

SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.

(a) **Purpose.** The Transit-Oriented Retail Special Use District is intended to support street activity along 16th Street.

(b) **Geography.** The boundaries of the Transit-Oriented Retail Special Use District include all parcels in PDR Districts that are along 16th St. from Mission St. to Potrero Avenue.

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to

apply, except that the amount and types of retail sales and services allowed on a parcel will be controlled in the same manner as in the UMU District *or the underlying zoning district, whichever is greater*.

SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) **Purpose.** The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines, and the purposes of this Code.

(b) **Applicability.** This Section applies to all ~~*new construction and proposed alterations of existing buildings*~~ *projects* in the Eastern Neighborhoods Mixed Use ~~*Buildings*~~ that meet at least one of the following criteria:

(1) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building *with a height of 75 feet or less* resulting in a total building height greater than 75 feet; or

(2) The project involves a net addition or new construction of more than 25,000 gross square feet; ~~*or*~~

~~*(3) The project has 200 or more linear feet of contiguous street frontage on any public right of way*~~.

(c) **Planning Commission Design Review:** As set forth in Subsection (e), below, the Planning Commission shall review and evaluate all physical aspects of a proposed project at a public hearing. At such hearing, the Director of Planning shall present any recommended project modifications or conditions to the Planning Commission, including those which may be in response to any unique or unusual locational, environmental, topographical or other

relevant factors. The Commission may subsequently require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the General Plan or the purposes of this Code. This review shall address physical design issues including but not limited to the following:

(1) Overall building massing and scale;

(2) Architectural treatments, facade design and building materials;

(3) The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

(4) The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

(5) The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2

(6) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(7) Circulation, including streets, alleys and mid-block pedestrian pathways;

(8) Bulk limits;

(9) Other changes necessary to bring a project into conformance with any relevant design guidelines. Area Plan or Element of the General Plan.

(d) **Exceptions.** As a component of the review process under this Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

(1) Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

(2) Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

(3) Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

(4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

(5) Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;

(6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6, pursuant to the criteria of Section 305(c);

(7) Exception for rear yards, pursuant to the requirements of Section 134(f);

(8) The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project site, so long as

(A) an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project.

(B) office uses are consolidated within a lesser number of buildings than would otherwise be the case, and

(C) the resulting location and mix of uses increases the project's consistency with nearby land uses;

(9) *Relief from dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts under Article 10 of*

this Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met:

(i) literal enforcement of Section 140 would result in the material impairment of the historic resource; and

(ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code.

(10) Modification of the accessory use provisions of Section 803.3(b)(1)(c) for dwelling units. Dwelling units modified under this Subsection shall continue to be considered dwelling units for the purposes of this Code and shall be subject to all such applicable controls and fees. Additionally, any building which receives a modification pursuant to this Subsection shall (i) have appropriately designed street frontages to accommodate both residential and modified accessory uses and (ii) obtain comment on the proposed modification from other relevant agencies prior to the Planning Commission hearing, including the Fire Department and Department of Building Inspection. Modifications are subject to the following:

(i) A modification may only be granted for the ground floor portion of dwelling units that front on a street with a width equal to or greater than 40 feet.

(ii) The accessory use may only include those uses permitted as of right at the subject property. However, uses permitted in any unit obtaining an accessory use modification may be further limited by the Planning Commission.

(iii) The Planning Commission may grant exceptions to the size of the accessory use, type and number of employees, and signage restrictions of the applicable accessory use controls.

(11) Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.

(e) **Hearing and Decision.**

(1) **Hearing.** The Planning Commission shall hold a public hearing for all projects that are subject to this Section.

(2) **Notice of Hearing.** Notice of such hearing shall be provided pursuant to the same requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8

(3) **Director's Recommendations on Modifications and Exceptions.** At the hearing, the Planning Director shall review for the Commission key issues related to the project based on the review of the project pursuant to Subsection (c) and recommend to the Commission modifications, if any, to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (d).

(4) **Decision and Imposition of Conditions.** The Commission, after public hearing and, after making appropriate findings, may approve, disapprove or approve subject to conditions, the project and any associated requests for exception. As part of its review and decision, the Planning Commission may impose additional conditions, requirements, modifications, and limitations on a proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this Code.

(5) **Appeal.** The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) **Discretionary Review.** No requests for discretionary review shall be accepted by the Planning Department or heard by the Planning Commission for projects subject to this Section.

(7) **Change of Conditions.** Once a project is approved, authorization of a change in

any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304),

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	$1,800.00
No construction cost, extension of hours	$1,286.00
Wireless Telecommunications Services (WTS)	$4,500.00
Estimated Construction Cost	Initial Fee
$1.00 to $9,999.00	$1,286.00
$10,000.00 to $999,999.00	$1,286.00 plus 0.583% of cost over $10,000.00
$1,000,000.00 to $4,999,999.00	$7,171.00 plus 0.695% of cost over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$35,537.00 plus 0.583% of cost over $5,000,000.00
$10,000,000.00 to $19,999,999.00	$65,257.00 plus 0.303% of cost over $10,000,000.00
$20,000,000.00 or more	$96,230.00

(b) Variance (Section 305)

Estimated Construction Cost	Initial Fee
$0.00—$9,999.00	$817.00

$10,000.00—$19,999.00	$1,821.00
$20,000.00 and greater	$,3,708.00

Variance fees are subject to additional time and material charges, as set forth in Section 350(c).

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

Estimated Construction Cost	Initial Fee
$0.00 to $9,999.00	$256.00
$10,000.00 to $999,999.00	$261.00 plus 0.117% of cost over $10,000.00
$1,000,000.00 to $4,999,999.00	$1,442.00 plus 0.139% of cost over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$7,130.00 plus 0.116% of cost over $5,000,000.00
$10,000,000.00 to $19,999,999.00	$13,050.00 plus 0.061% of cost over $10,000,000
$20,000,000.00 or more	$19,268.00

(1) Applications with Verified Violations of this Code: The Planning Department shall charge $204.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, *Large Project Authorization in the Eastern Neighborhoods Mixed Use Districts*, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of

approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization: $955.00.

(4) The applicant shall be charged for any time and materials beyond the initial fee in Section 352, as set forth in Section 350(c).

(5) An applicant proposing major revisions, as determined by the Zoning Administrator, to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing major revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above.

(d) **Discretionary Review Request:** $500.00; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary review in the event the Planning Commission denies the Planning Department's approval or authorization upon which the discretionary review was requested. Mandatory discretionary reviews: $3,438.00.

(e) **Institutional Master Plan (Section 304.5).**

(1) **Full Institutional Master Plan or Substantial Revision:** $12,259.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(2) **Abbreviated Institutional Master Plan:** $2,244.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(f) **Land Use Amendments and Related Plans and Diagrams of the San Francisco General Plan:** Fee based on the Department's estimated actual costs for time and materials required to review and implement the requested amendment, according to a budget prepared by the Director of Planning, in consultation with the sponsor of the request.

(g) **General Plan Referrals:** $3,310.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(h) **Redevelopment Plan Review:** The Director of Planning shall prepare a budget to cover actual time and materials expected to be incurred, in consultation with the Redevelopment Agency. A sum equal to ½ the expected cost will be submitted to the Department, prior to the commencement of the review. The remainder of the costs will be due at the time the initial payment is depleted.

(i) **Reclassify Property or Impose Interim Zoning Controls:** $7,052.00

(1) The applicant shall be charged for any time and materials as set forth in Section 350(c).

(2) **Applications with Verified Violations of this Code:** The Planning Department shall charge time and materials as set forth in Section 350(c).

(j) **Setback Line, Establish, Modify or Abolish:** $2,851.00

(k) **Temporary Use Fees:** $409.00 as an initial fee, plus time and materials if the cost exceeds the initial fee, as set forth in Section 350(c).

(l) **Amendments to Text of the Planning Code:** $14,090.00 as an initial fee, plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(m) **Zoning Administrator Conversion Determinations Related to Service Station Conversions:** $2,783.00 as an initial fee, plus time and materials if the cost exceeds the initial fee. (Section 228.4).

(n) **Conditional Use Appeals to the Board of Supervisors:**

(1) $500.00 for the appellant of a conditional used authorization decision to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

(2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and forward the fee amount to the Planning Department.

SEC. 401. DEFINITIONS.

(a) In addition to the specific definitions set forth elsewhere in this Article, the following definitions shall govern interpretation of this Article:

"Affordable housing project." A housing project containing units constructed to satisfy the requirements of Sections 413.5, 413.8, 415.4, or 4.5.5 of this Article, or receiving funds from the Citywide Affordable Housing Fund.

"Affordable to a household." A purchase price that a household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, or a rent that a household can afford to pay based on an annual payment for all housing costs of 30 percent of the combined annual net income.

"Affordable to qualifying households":

(A) With respect to owned units, the average purchase price on the initial sale of all affordable owned units in an affordable housing project shall not exceed the allowable average purchase price. Each unit shall be sold:

(i) Only to households with an annual net income equal to or less than that of a

household of moderate income; and

(ii) At or below the maximum purchase price.

(B) With respect to rental units in an affordable housing project, the average annual rent shall not exceed the allowable average annual rent. Each unit shall be rented:

(i) Only to households with an annual net income equal to or less than that of a household of lower income;

(ii) At or less than the maximum annual rent.

"Allowable average purchase price":

(A) For all affordable one-bedroom units in a housing project, a price affordable to a two-person household of median income as set forth in Title 25 of the California Code of Regulations Section 6932 ("Section 6932") on January 1st of that year;

(B) For all affordable two-bedroom units in a housing project, a price affordable to a three-person household of median income as set forth in Section 6932 on January 1st of that year;

(C) For all affordable three-bedroom units in a housing project, a price affordable to a four-person household of median income as set forth in Section 6932 on January 1st of that year;

(D) For all affordable four-bedroom units in a housing project, a price affordable to a five-person household of median income as set forth in Section 6932 on January 1st of that year.

"Affordable to qualifying middle income households":

(A) With respect to owned units, the average purchase price on the initial sale of all qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This purchase price

shall be based on household spending of 35% of income for housing, and shall only apply to initial sale, and not for the life of the unit.

(B) With respect to rental units, the average annual rent - including the cost of utilities paid by the tenant according to the HUD utility allowance established by the San Francisco Housing Authority - for qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This price restriction shall exist for the life of the unit.

"Allowable average annual rent":

(A) For all affordable one-bedroom units in a housing project, 18 percent of the median income for a household of two persons as set forth in Section 6932 on January 1st of that year;

(B) For all affordable two-bedroom units in a housing project, 18 percent of the median income for a household of three persons as set forth in Section 6932 on January 1st of that year;

(C) For all affordable three-bedroom units in a housing project, 18 percent of the median income for a household of four persons as set forth in Section 6932 on January 1st of that year;

(D) For all affordable four-bedroom units in a housing project, 18 percent of the median income for a household of five persons as set forth in Section 6932 on January 1st of that year.

"Annual gross income." Gross income as defined in CCR Title 25, Section 6914, as amended from time to time, except that MOH may, in order to promote consistency with the procedures of the San Francisco Redevelopment Agency, develop an asset test that differs from the State definition if it publishes that test in the Procedures Manual.

"Annual net income." Net income as defined in Title 25 of the California Code of Regulations Section 6916.

"Average annual rent." The total annual rent for the calendar year charged by a housing project for all affordable rental units in the project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

"Average purchase price." The purchase price for all affordable owned units in an affordable housing project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

"Balboa Park Community Improvements Fund." The fund into which all fee revenue the City collects from the Balboa Park Impact Fee is deposited.

"Balboa Park Community Improvements Program." The program intended to implement the community improvements identified in the Balboa Park Area Plan, as articulated in the Balboa Park Community Improvements Program Document on file with the Clerk of the Board in File No. 090179.

"Balboa Park Impact Fee." The fee collected by the City to mitigate impacts of new development in the Balboa Park Program Area, as described in the findings in Section 422.1.

"Balboa Park Program Area." The Balboa Park Plan Area in Figure 1 of the Balboa Park Station Area Plan of the San Francisco General Plan.

"Base service standard." The relationship between revenue service hours offered by the Municipal Railway and the number of automobile and transit trips estimated to be generated by certain non-residential uses, expressed as a ratio where the numerator equals the average daily revenue service hours offered by MUNI and the denominator equals the daily automobile and transit trips generated by non-residential land uses as estimated by the TIDF Study or updated under Section 411.5 of this Article.

"Base service standard fee rate." The TIDF that would allow the City to recover the

estimated costs incurred by the Municipal Railway to meet the demand for public transit resulting from new development in the economic activity categories for which the fee is charged, after deducting government grants, fare revenue, and costs for non-vehicle maintenance and general administration.

"Board" or "Board of Supervisors." The Board of Supervisors of the City and County of San Francisco.

"Change of Use." A change of gross floor area from one category of use to another category of use listed in the use table for the zoning district of the subject lot.

"Child-care facility." A child-care facility as defined in California Health and Safety Code Section 1596.750.

"Child-care provider." A provider as defined in California Health and Safety Code Section 1596.791.

"City" or "San Francisco." The City and County of San Francisco.

"Commission" or "Planning Commission." The San Francisco Planning Commission.

"Community apartment." As defined in San Francisco Subdivision Code Section 1308(b).

"Community facilities." All uses as defined under Section 209.4(a) and 209.3(d) of this Code.

"Condition of approval" or "Conditions of approval." A condition or set of written conditions imposed by the Planning Commission or another permit-approving or issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives approval for the construction of a development project subject to this Article.

"Condominium." As defined in California Civil Code Section 783.

"Cultural/Institution/Education (CIE)." An economic activity category subject to the TIDF that includes, but is not limited to, schools, as defined in Sections 209.3(g), (h), and (i)

and 217(f)-(i) of this Code; child care facilities; museums and zoos; and community facilities, as defined in Sections 209.4 and 221(a)-(c) of this Code.

"DBI." The San Francisco Department of Building Inspection or its successor.

"Dedicated." Legally transferred to the City and County of San Francisco, including all relevant legal documentation, at no cost to the City.

"Dedicated site." The portion of site proposed to be legally transferred at no cost to the City and County of San Francisco under the requirements of this section.

"Department" or "Planning Department." The San Francisco Planning Department or the Planning Department's designee, including the Mayor's Office of Housing and other City agencies or departments.

"Designated affordable housing zones." For the purposes of implementing the Eastern Neighborhoods Public Benefits Fund, shall mean the Mission NCT defined in Section 736 and the Mixed Use Residential District defined in Section 841.

"Development fee." Either a development impact fee or an in-lieu fee. It shall not include a fee for service or any time and material charges charged for reviewing or processing permit applications.

"Development Fee Collection Unit" or "Unit." The Development Fee Collection Unit at DBI.

"Development impact fee." A fee imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities or housing caused by the development project that may or may not be an impact fee governed by the California Mitigation Fee Act (California Government Code Section 66000 et seq.).

"Development impact requirement." A requirement to provide physical improvements, facilities or below market rate housing units imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities or

housing caused by the development project that may or may not be governed by the California Mitigation Fee Act (California Government Code Section 66000 et seq.).

"Development project." Any change of use within an existing structure, addition to an existing structure, or new construction, which includes any occupied floor area.

"Development under the TIDF." Any new construction, or addition to or conversion of an existing structure under a building or site permit issued on or after September 4, 2004, that results in 3,000 gross square feet or more of a covered use. In the case of mixed use development that includes residential development, the term "new development" shall refer to only the non-residential portion of such development. "Existing structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a structure for which no TIDF was paid.

"Director." The Director of Planning or his or her designee.

"DPW." The Department of Public Works, or its successor.

"Eastern Neighborhoods Infrastructure Impact Fee." The fee collected by the City to mitigate impacts of new development in the Eastern Neighborhoods Program Area, as described in the Findings in Section 423.1

"Eastern Neighborhoods Public Benefits Fund." The fund into which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee is deposited.

"Eastern Neighborhoods Public Benefits Program." The program intended to implement the community improvements identified in the four Area Plans affiliated with the Eastern Neighborhoods (Central Waterfront, East SoMa, Mission, and Showplace Square/Potrero Hill), as articulated in the Eastern Neighborhoods Public Benefits Program Document, on file with the Clerk of the Board in File No. 081155.)

"Eastern Neighborhoods Program Area." The Eastern Neighborhoods Plan Area in Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco

General Plan.

"Economic activity category." Under the TIDF, one of the following six categories of non-residential uses: Cultural/Institution/Education (CIE), Management, Information and Professional Services (MIPS), Medical and Health Services, Production/Distribution/Repair (PDR), Retail/Entertainment, and Visitor Services.

"Entertainment use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Sections 102.17 (Nighttime Entertainment), 790.38 and 890.37 (Other Entertainment), 790.36 and 890.36 (Adult Entertainment), 790.64 and 890.64 (Movie Theater), and 790.4 and 890.4 (Amusement Arcade), regardless of the zoning district that the use is located in.

"First certificate of occupancy." Either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 109A, whichever is issued first.

"First construction document." As defined in Section 107A.13.1 of the San Francisco Building Code.

"Gross floor area." The total area of each floor within the building's exterior walls, as defined in Section 102.9(b)(12) of this Code.

"Gross square feet of use." The meaning set forth in Section 102.9 of this Code, with the exception of the TIDF. With respect to the TIDF, the total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all uses covered by the TIDF, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor area that are not exclusively assigned to one uses shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space,

in the structure or on any floor thereof directly assignable to each use.

"Hotel" or "Hotel use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Sections 790.46 and 890.46, regardless of the zoning district that the use is located in.

"Household." Any person or persons who reside or intend to reside in the same housing unit.

"Household of lower income." A household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

"Household of median income." A household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a median-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

"Household of moderate income." A household composed of one or more persons with a combined annual net income for all adult members which does not exceed the qualifying limit for a moderate-income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

"Housing developer." Any business entity building housing units which receives a payment from a sponsor for use in the construction of the housing units. A housing developer may be (a) the same business entity as the sponsor, (b) an entity in which the sponsor is a partner, joint venturor, or stockholder, or (c) an entity in which the sponsor has no control or

ownership.

"Housing project." Any development which has residential units as defined in the Planning Code, including but not limited to dwellings, group housing, independent living units, and other forms of development which are intended to provide long-term housing to individuals and households. "Housing project" shall not include that portion of a development that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes of this Program shall also include the development of live/work units as defined by Section 102.13 of this Code. Housing project for purposes of this Program shall mean all phases or elements of a multi-phase or multiple lot residential development.

"Housing unit" or "unit." A dwelling unit as defined in San Francisco Housing Code Section 401.

"Improvements Fund." The fund into which all revenues collected by the City for each Program Area's impact fees are deposited.

"In-Kind Agreement." An agreement acceptable in form and substance to the City Attorney and the Director of Planning, under which the project sponsor agrees to provide a specific set of community improvements, at a specific phase of construction, in lieu of contribution to the relevant Fund.

"Infrastructure." Open space and recreational facilities; public realms improvements such as pedestrian improvements and streetscape improvements; public transit facilities; and community facilities such as libraries, child care facilities, and community centers.

"In lieu fee." A fee paid by a project sponsor in lieu of complying with a requirement of this Code and that is not a development impact fee governed by the Mitigation Fee Act.

"Institutional use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses contained in San Francisco Planning Code Section 217 and 890.50, regardless of the zoning district that the use is located in.

"Integrated PDR use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 890.49, regardless of the zoning district that the use is located in.

"Interim Guidelines." The Office Housing Production Program Interim Guidelines adopted by the City Planning Commission on January 26, 1982, as amended.

"Licensed Child-care facility." A child-care facility which has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.

"Live/work project." A housing project containing more than one live/work unit.

"Live/work unit" shall be as defined in Section 102.13 of this Code.

"Long term housing." Housing intended for occupancy by a person or persons for 32 consecutive days or longer.

"Low income." For purposes of this Article, up to 80% of median family income for the San Francisco PMSA, as calculated and adjusted by the United States Department of Housing and Urban Development (HUD) on an annual basis, except that as applied to housing-related purposes such as the construction of affordable housing and the provision of rental subsidies with funds from the SOMA Stabilization Fund established in Section 418.7, it shall mean up to 60% of median family income for the San Francisco PMSA, as calculated and adjusted by HUD on an annual basis.

"Management, Information and Professional Services (MIPS)." An economic activity category under the TIDF that includes, but is not limited to, office use; medical offices and clinics, as defined in Section 890.114 of this Code; business services, as defined in Section 890.111 of this Code; Integrated PDR, as defined in Section 890.49 of this Code, and Small Enterprise Workspaces, as defined in Section 227(t) of this Code.

"Market and Octavia Community Improvements Fund." The fund into which all fee

revenue collected by the City from the Market and Octavia Community Improvements Fee is deposited.

"Market and Octavia Community Improvements Impact Fee." The fee collected by the City to mitigate impacts of new development in the Market and Octavia Program Area, as described in the findings in Section 421.1.

"Market and Octavia Community Improvements Program." The program intended to implement the community improvements identified in the Market and Octavia Area Plan, as articulated in the Market and Octavia Community Improvements Program Document on file with the Clerk of the Board in File No. 071157.)

"Market and Octavia Program Area." The Market and Octavia Plan Area in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan, which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown Residential Special Use District (VMDRSUD). The Program Area also includes the Upper Market NCD, which includes parcels one block west of the plan area that front Market Street.

"Market rate housing." Housing constructed in the principal project that is not subject to sales or rental restrictions.

"Maximum annual rent." The maximum rent that a housing developer may charge any tenant occupying an affordable unit for the calendar year. The maximum annual rent shall be 30 percent of the annual income for a lower-income household as set forth in Section 6932 on January 1st of each year for the following household sizes:

(A) For all one-bedroom units, for a household of two persons;

(B) For all two-bedroom units, for a household of three persons;

(C) For all three-bedroom units, for a household of four persons;

(D) For all four-bedroom units, for a household of five persons.

"Maximum purchase price." The maximum purchase price that a household of moderate income can afford to pay for an owned unit based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, for the following household sizes:

(A) For all one-bedroom units, for a household of two persons;

(B) For all two-bedroom units, for a household of three persons;

(C) For all three-bedroom units, for a household of four persons;

(D) For all four-bedroom units, for a household of five persons.

"Medical and Health Services." An economic activity category under the TIDF that includes, but is not limited to, those non-residential uses defined in Sections 209.3(a) and 217(a) of this Code; animal services, as defined in Section 224(a) and (b) of this Code; and social and charitable services, as defined in Sections 209.3(d) and 217(d) of this Code.

"Middle Income Household." A household whose combined annual gross income for all members is between 120 percent and 150 percent of the local median income for the City and County of San Francisco, as calculated by the Mayor's Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, as calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

"MOH." The Mayor's Office of Housing, or its successor.

"MTA." The Municipal Transportation Agency, or its successor.

"MTA Director." The Director of MTA or his or her designee.

"Municipal Railway; MUNI." The public transit system owned by the City and under the jurisdiction of the MTA.

"Net addition." The total amount of gross floor area defined in Planning Code Section 102.9 contained in a development project, less the gross floor area contained in any structure

demolished or retained as part of the proposed development project.

"New development." Under the TIDF, any new construction, or addition to or conversion of an existing structure under a building or site permit issued on or after September 4, 2004 that results in 3,000 gross square feet or more of a use covered by the TIDF. In the case of mixed use development that includes residential development, the term "new development" shall refer to only the non-residential portion of such development. "Existing structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a structure for which no TIDF was paid.

"Nonprofit child-care provider." A child-care provider that is an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701 - 23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

"Nonprofit organization." An organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701 - 23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

"Non-residential use." Space within any structure or portion thereof intended or primarily suitable for or accessory to occupancy by retail, office, commercial, or other non-residential uses defined in Section 209.3, 209.8, 217, 218, 219, ~~and~~ 221, *and 227* of this Code, *except uses 227(a), (b), and (p),* regardless of the zoning district that the use is located in; except that residential components of uses defined in Section 209.3(a)-(c) and (g)-(i) shall be defined as a "residential use" for purposes of this Article. For the purposes of this Article, non-residential use shall not include PDR and publicly owned and operated community facilities.

"Notice of Special Restrictions." A document recorded with the San Francisco Recorder's Office for any unit subject to this Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.

"Office use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 890.70, regardless of the zoning district that the use is located in.

"Off-site unit." A unit affordable to qualifying households constructed pursuant to this Ordinance on a site other than the site of the principal project.

"On-site unit." A unit affordable to qualifying households constructed pursuant to this Article on the site of the principal project.

"Owned unit." A unit affordable to qualifying households which is a condominium, stock cooperative, community apartment, or detached single-family home. The owner or owners of an owned unit must occupy the unit as their primary residence.

"Owner." The record owner of the fee or a vendee in possession.

"PDR use." Space within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p), regardless of the zoning district that the use is located in.

"Principal project." A housing development on which a requirement to provide affordable housing units is imposed.

"Principal site." The total site proposed for development, including the portion of site proposed to be legally transferred to the City and County of San Francisco.

"Procedures Manual." The City and County of San Francisco Affordable Housing Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as

amended.

"Rent" or "rental." The total charges for rent, utilities, and related housing services to each household occupying an affordable unit.

"Rental unit." A unit affordable to qualifying households which is not a condominium, stock cooperative, or community apartment.

"Replacement of use." The total amount of gross floor area, as defined in Section 102.9 of this Code, to be demolished and reconstructed by a development project.

"Research and development use." Space within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 890.52, regardless of the zoning district that the use is located in.

"Residential use." Space within any structure or portion thereof intended or primarily suitable for or accessory to occupancy by uses defined in San Francisco Planning Code Sections 209.1, 790.88, and 890.88, as relevant for the subject zoning district, or containing group housing as defined in Section 209.2(a) - (c) of this Code and any residential components of institutional uses as defined in Section 209.3(a) - (c) and (g) - (i) of this Code.

"Retail/entertainment." An economic activity category under the TIDF that includes, but is not limited to, a retail use; an entertainment use; massage establishments, as defined in Section 218.1 of this Code; laundering, and cleaning and pressing, as defined in Section 220 of this Code.

"Retail use." Space within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses contained in San Francisco Planning Code Section 218, regardless of the zoning district that the use is located in.

"Revenue services hours." The number of hours that the Municipal Railway provides service to the public with its entire fleet of buses, light rail (including streetcars), and cable

cars.

"Rincon Hill Community Improvements Fund." The fund into which all fee revenue collected by the City from the Rincon Hill Community Infrastructure Impact Fee is deposited.

"Rincon Hill Community Infrastructure Impact Fee." The fee collected by the City to mitigate impacts of new development in the Rincon Hill Program Are, as described in the findings in Section 418.1.

"Rincon Hill Program Area." Those districts identified as the Rincon Hill Downtown Residential (RH DTR) Districts in the Planning Code and on the Zoning Maps.

"Section 6932." Section 6932 of Title 25 of the California Code of Regulations as such section applies to the County of San Francisco.

"Small Enterprise Workspace use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 227(t), regardless of the zoning district that the use is located in.

"SOMA." The area bounded by Market Street to the north, Embarcadero to the east, King Street to the south, and South Van Ness and Division to the west.

"SOMA Community Stabilization Fee." The fee collected by the City to mitigate impacts on the residents and businesses of SOMA of new development in the Rincon Hill Program Area, as described in the findings in Section 418.1.

"SOMA Community Stabilization Fund." The fund into which all fee revenue collected by the City from the SOMA Community Stabilization Fee is deposited.

"Sponsor" or "project sponsor." An applicant seeking approval for construction of a development project subject to this Article, such applicant's successor and assigns, and/or any entity which controls or is under common control with such applicant.

"Stock cooperative." As defined in California Business and Professions Code Section

11003.2.

"Student housing." A building where 100 percent of the residential uses are affiliated with and operated by an accredited post-secondary educational institution. Typically, student housing is for rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use Districts.

"TIDF; Transit Impact Development Fee." The development fee that is the subject of Section 411.1 et seq. of this Article.

"TIDF Study." The study commissioned by the San Francisco Planning Department and performed by Nelson/Nygaard Associates entitled "Transit Impact Development Fee Analysis - Final Report," dated May 2001, including all the Technical Memoranda supporting the Final Report and the Nelson/Nygaard update materials contained in Board of Supervisors File No. 040141.

"Total developable site area." That part of the site that can be feasibly developed as residential development, excluding land already substantially developed, parks, required open spaces, streets, alleys, walkways or other public infrastructure.

"Treasurer." The Treasurer for the City and County of San Francisco.

"Trip generation rate." The total number of automobile and Municipal Railway trips generated for each 1,000 square feet of development in a particular economic activity category as established in the TIDF Study, or pursuant to the five-year review process established in Section 411.5 of this Article.

"Use." The purpose for which land or a structure, or both, are legally designed, constructed, arranged, or intended, or for which they are legally occupied or maintained, let or leased.

"Visitacion Valley." The area bounded by Carter Street and McLaren Park to the west,

Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area to the east, the San Francisco Bay to the southeast, and the San Francisco County line to the south.

"Visitor services." An economic activity category under the TIDF that includes, but is not limited to, hotel use; motel use, as defined in Section 216(c) and (d); and time-share projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

"Waiver Agreement." An agreement acceptable in form and substance to the City Attorney and the Planning Department under which the City agrees to waive all or a portion of the Community Improvements Impact Fee.

SEC. 411.3. APPLICATION OF TIDF.

(a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall be payable with respect to any new development in the City for which a building or site permit is issued on or after September 4, 2004. In reviewing whether a development project is subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek multiple applications for building permits to evade paying the TIDF for a single development project.

(1) The TIDF shall not be payable on new development, or any portion thereof, for which a TIDF has been paid, in full or in part, under the prior TIDF Ordinance adopted in 1981 (Ordinance No. 224-81; former Chapter 38 of the Administrative Code), except where (A) gross square feet of use is being added to the building; or (B) the TIDF rate for the new development is in an economic activity category with a higher fee rate than the rate set for MIPS, as set forth in Section 411.3(e).

(2) No TIDF shall be payable on the following types of new development.

(A) New development on property owned (including beneficially owned) by the City,

except for that portion of the new development that may be developed by a private sponsor and not intended to be occupied by the City or other agency or entity exempted under Section 411.1 et seq., in which case the TIDF shall apply only to such non-exempted portion. New development on property owned by a private person or entity and leased to the City shall be subject to the fee, unless the City is the beneficial owner of such new development or unless such new development is otherwise exempted under this Section.

(B) Any new development in Mission Bay North or South to the extent application of this Chapter would be inconsistent with the Mission Bay North Redevelopment Plan and Interagency Cooperation Agreement or the Mission Bay South Redevelopment Plan and Interagency Cooperation Agreement, as applicable.

(C) New development located on property owned by the United States or any of its agencies to be used exclusively for governmental purposes.

(D) New development located on property owned by the State of California or any of its agencies to be used exclusively for governmental purposes.

(E) New development for which a project sponsor filed an application for environmental evaluation or a categorical exemption prior to April 1, 2004, and for which the City issued a building permit or site permit on or before September 4, 2008; provided however, that such new development may be subject to the TIDF imposed by Ordinance No. 224-81, as amended through June 30, 2004, except that the Department and the Development Fee Collection Unit at DBI shall be responsible for the administration, imposition, review and collection of any such fee consistent with the administrative procedures set forth in Section 411.1 et seq. The Department shall make the text of Ordinance No. 224-81, as amended through June 30, 2004, available on the Department's website and shall provide copies of that ordinance upon request.

(F) The following types of new developments:

(i) Public facilities/utilities, as defined in Section 209.6 of this Code;

(ii) Open recreation/horticulture, as defined in Section 209.5 of this Code, including private noncommercial recreation open use, as referred to in Section 221(g) of this Code;

(iii) Vehicle storage and access, as defined in Section 209.7 of this Code;

(iv) Automotive services, as defined in Section 223(l)-(v) of this Code, that are in a new development;

(v) Wholesale storage of materials and equipment, as defined in Section 225 of this Code;

(vi) Other Uses, as defined in Section 227(a)—(*oq*) and (*qs*)—(*rt*) of this Code;

(b) **Timing of Payment.** Except for those Integrated PDR projects subject to Section 328 of this Code, the TIDF shall be paid prior to issuance of the first construction document, with an option for the project sponsor to defer payment until prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13 of the San Francisco Building Code. Under no circumstances may any City official or agency, including the Port of San Francisco, issue a certificate of final completion and occupancy for any new development subject to the TIDF until the TIDF has been paid;

(c) **Calculation of TIDF.** The TIDF shall be calculated on the basis of the number of square feet of new development, multiplied by the square foot rate in effect at the time of building or site permit issuance for each of the applicable economic activity categories within the new development, as provided in Subsection 411.3(e) below. An accessory use shall be charged at the same rate as the underlying use to which it is accessory. Whenever any new development or series of new developments cumulatively creates more than 3,000 gross square feet of covered use within a structure, the TIDF shall be imposed on every square foot of such covered use (including any portion that was part of prior new development below the 3,000 square foot threshold).

(d) **Credits.** In determining the number of gross square feet of use to which the TIDF applies, the Department shall provide a credit for prior uses eliminated on the site. The credit shall be calculated according to the following formula:

(1) There shall be a credit for the number of gross square feet of use being eliminated by the new development, multiplied by an adjustment factor to reflect the difference in the fee rate of the use being added and the use being eliminated. The adjustment factor shall be determined by the Department as follows:

(A) The adjustment factor shall be a fraction, the numerator of which shall be the fee rate which the Department shall determine, in consultation with the MTA, if necessary, applies to the economic activity category in the most recent calculation of the TIDF Schedule approved by the MTA Board for the prior use being eliminated by the project.

(B) The denominator of the fraction shall be the fee rate for the use being added, as set forth in the most recent calculation of the TIDF Schedule approved by the MTA Board.

(2) A credit for a prior use may be given only if the prior use was active on the site within five years before the date of the application for a building or site permit for the proposed use.

(3) As of September 4, 2004, no sponsor shall be entitled to a refund of the TIDF on a building for which the fee was paid under the former Chapter 38 of the San Francisco Administrative Code.

(4) Notwithstanding the foregoing, the adjustment factor shall not exceed one.

(e) **TIDF Schedule.** The TIDF Schedule shall be as follows:

Economic Activity Category	**TIDF Per Gross Square Foot of Development**
Cultural/Institution/Education	$10.00

Management, Information and Professional Services	$10.00
Medical and Health Services	$10.00
Production/Distribution/Repair	$8.00
Retail/Entertainment	$10.00
Visitor Services	$8.00

SEC. 419.2. DEFINITIONS

(a) In addition to the definitions set forth in Section 401 of this Article:

(1) "Rental Housing Project" shall mean a project consisting solely of rental housing units, as defined in Section 401 that meets the following requirements:

(A) The units shall be rental housing for not less than 30 years from the issuance of the certificate of occupancy pursuant to an agreement between the developer and the City. This agreement shall be in accordance with applicable State law governing rental housing;

(B) A Notice of Special Restrictions (NSR), with the City as a third party beneficiary and subject to written approval of the Director, shall be recorded on the title of the property prior to final map approval containing the terms of the agreement described above in subsection (1). Once the agreement is recorded against the property, the NSR shall terminate.

(2) Tier A." ~~*Sites within the UMU which not receive zoning changes that increase heights, as compared to allowable height prior to the rezoning (May 2008).*~~

(i) All development on sites within the UMU District which received a height increase of eight feet or less, or received a reduction in height, as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154), and all sites within the Mission NCT District utilizing the land dedication alternative specified in Section 419.5(a)(2).

(ii) *All changes of use within existing structures.*

(3) "Tier B." ~~*Sites within the UMU which receive zoning changes that increase heights by one to two stories.*~~ *All development on sites within the UMU District which received a height increase of nine to 28 feet as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154).*

(4) "Tier C." ~~*Sites within the UMU which receive zoning changes that increase heights by three or more stories.*~~ *All development on sites within the UMU District which received a height increase of 29 feet or more as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154).*

SEC. 419.5. ALTERNATIVES TO THE INCLUSIONARY HOUSING COMPONENT.

(a) **Alternatives to the Inclusionary Housing Component.** In addition to the alternatives specified in Section 415.5(9) the project sponsor may elect to satisfy the requirements of Section 415.5 by one of the alternatives specified in this Section. The project sponsor has the choice between the alternatives and the Planning Commission may not require a specific alternative. The project sponsor must elect an alternative before it receives project approvals from the Planning Commission or Planning Department and that alternative will be a condition of project approval. The alternatives are as follows:

(1) **Middle Income Alternative.** On sites with less than 50,000 square feet of total developable area, applicants may provide units as affordable to qualifying "middle income" households as follows:

(A) A minimum percent of the total units constructed shall be affordable to and occupied affordable to qualifying "middle income" households upon initial sale, according the schedule in Table 419.~~5A.4~~. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. Units shall be affordable to households between 120 percent and 150 percent of the San Francisco

Area Median Income, with an average affordability level of 135 percent for all units provided through this alternative.

(B) Where market rate sales prices exceed restricted sales prices, the difference between the market rate sales prices and the restricted sales prices shall be held by the Mayor's Office of Housing as a silent second mortgage according to the Procedures Manual. The City shall hold a deed of trust and promissory note for the second mortgage. MOH shall hold this mortgage shall release it when the original note and proportional share of the appreciation are paid in full to the City.

(C) Units shall initially be sold at or below prices to be determined by MOH in the Conditions of Approval or Notice of Special Restrictions according to the formula specified in the Procedures Manual to make them affordable to middle income households. Upon resale, the seller shall be permitted to sell the units at their market price. The City will waive its right of first refusal to the seller when the promissory note and deed of trust are paid, along with the City's share of the appreciation of the unit. The promissory note shall accrue no interest and shall require no monthly payments.

(D) Upon first resale, the seller shall have a right to keep a percentage of the total appreciation of the unit proportional to every year the original seller owns the unit as an owner occupant. The remainder of the proceeds of the sale, after the first mortgage, the second mortgage, and any other subordinate financing is paid off, shall be repaid to MOH. Detailed resale procedures shall be specified in the Middle Income Housing Procedures Manual published by MOH and approved by the Planning Commission. The Director of MOH shall amend the Procedures Manual as needed with the Commission's approval.

(E) The City shall monitor units provided under this option during the 2- and 5-year Monitoring Report specified in Section 342 of this Code and in separate resolution. Should this monitoring report indicate that units constructed under this program do not meet the

programs stated goals of providing affordable housing to Middle Income Households, the Planning Department and MOH shall consider changes to this program, including, but not limited to, legislative changes.

(F) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this Section by the alternative specified above, the *dwelling unit mix required by Section 207.6* ~~*requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms*~~ may be waived provided the minimum percent of total units affordable to qualifying "middle income" as required by Table 419.*5A.4* is increased by 10%.

(2) **Land Dedication Alternative.** Applicants may dedicate a portion of the total developable area of the principal site to the City and County of San Francisco for the purpose of constructing units affordable to qualifying households. A minimum percentage of developable area, representing an equivalent percent of total potential units to be constructed, shall be dedicated to the City according the schedule in Table 419.*5A.4*. To meet the requirements of this alternative, the developer must convey title to land in fee simple absolute to MOH according to the Procedures Manual, provided the dedicated site is deemed of equivalent or greater value to the principal site per those procedures and is in line with the following requirements:

(A) The dedicated site will result in a total amount of inclusionary units not less than forty (40) units. MOH may conditionally approve and accept dedicated sites which result in no less than twenty-five (25) units at its discretion.

(B) The dedicated site will result in a total amount of inclusionary units that is equivalent or greater than the minimum percentage of the units that will be provided on the principal site, as required by Table 419.*5A.4*. MOH may also accept dedicated sites that represent the equivalent of or greater than the required percentage of units for all units *that could* be provided on a collective of sites within a one-mile radius, provided the total amount of

inclusionary units provided on the dedicated site is equivalent to or greater than the total requirements for all principal sites participating in the collective, according to the requirements of Table 419.~~5A.4~~.

(C) The dedicated site is suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of affordable housing that is sound, safe and acceptable.

(D) The dedicated site includes infrastructure necessary to serve the inclusionary units, including sewer, utilities, water, light, street access and sidewalks.

(E) The developer must submit full environmental clearance for the dedicated site before the land can be considered for conveyance, and before a first site or building permit may be conferred upon the principal project.

(F) The City may accept dedicated sites that vary from the minimum threshold provided such a dedication is deemed generally equivalent to the original requirement by the Mayor's Office of Housing.

(G) The City may accept dedicated sites that meet the above requirements in accordance with the Procedures Manual, in combination with fees or on-site units, provided such a combination is deemed generally equivalent by MOH to the original requirement.

(H) The project applicant has a letter from MOH verifying acceptance of site before it receives project approvals from the Planning Commission or Planning Department, which shall be used to verify dedication as a condition of approval.

(I) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this Section by the alternative specified above, the *dwelling unit mix required by Section 207.6* ~~*requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms*~~ may be waived.

(J) The Land Dedication Alternative may be satisfied through the dedication to the City of air space above or adjacent to the project, upon the approval of MOH, or a successor entity, and provided the other requirements of subsection (a)(2)(A)—(I) are otherwise satisfied.

TABLE 419.~~5A.4~~

HOUSING REQUIREMENTS FOR THE UMU DISTRICT

Tier	On-Site Housing Requirement	Off-Site/In-Lieu Requirement	Middle Income Alternative*	Land Dedication Alternative for sites that have less than 30,000 square feet of developable area	Land Dedication Alternative for sites that have at least 30,000 square feet of developable area
A	18%	23%	30%	35%	30%
B	20%	25%	35%	40%	35%
C	22%	27%	40%	45%	40%

* Requirement increases by 5% if *dwelling unit mix required by Section 207.6* ~~*two-bedroom requirement*~~ is waived.

(b) **Rental Incentive.** Qualified rental housing projects, as defined in Section 419A.2(g), are allowed a reduction in their inclusionary housing requirements as follows:

(1) If the rental housing project chooses to meets its inclusionary housing requirements through on-site construction, off-site construction, or an in-lieu fee, then the project is entitled to a 3% reduction in the requirements specified above in subsection (a).

(2) If the rental housing project chooses to meet its inclusionary housing requirements

through the land dedication option for projects less than 30,000 square feet, then the project is entitled to a 5% reduction in the requirements specified above in the subsection (b)(2).

(3) In addition, a rental housing project shall receive a fee waiver from the Eastern Neighborhood Public Benefit Fee as set forth in Section 427.3 in the amount of $1.00 per gross square foot.

(4) No rental incentive shall be provided for project that chooses the land dedication alternative for projects over 30,000 square feet.

(c) **Adjustments to Requirements for the Inclusionary Housing Component.** This Section is intended to incorporate, rather than supersede, any changes made to Planning Code Section 415. In the instance that the base requirements of Section 415 are amended, the above-noted requirements shall be reviewed, and if appropriate, amended and/or increased accordingly.

SEC. 423.5. THE EASTERN NEIGHBORHOODS PUBLIC BENEFITS FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 423.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Planning Commission, and administered by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve public open space and recreational facilities; transit, streetscape and public realm improvements; and community facilities including child care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare

facilities that are not publicly owned or "publicly-accessible." Funds generated for 'library resources' should be used for materials in branches that directly service Eastern Neighborhoods residents. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Eastern Neighborhoods Public Benefits Program Document, and to defend the Community Stabilization fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating the Eastern Neighborhoods Citizens Advisory Committee meetings, and maintenance of the fund. All interest earned on this account shall be credited to the Eastern Neighborhoods Public Benefits Fund.

(c) Funds shall be deposited into specific accounts according to the improvement type for which they were collected. Funds from a specific account may be used towards a different improvement type, provided said account or fund is reimbursed over a five-year period of fee collection. Funds shall be allocated to accounts by improvement type as described below:

(1) Funds collected from all zoning districts in the Eastern Neighborhoods Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by improvement type according to Table 423.*56*.

(2) Funds collected in designated affordable housing zones (Mission NCT and MUR (as defined in *401*~~423.2(3)~~), shall be allocated to accounts by improvement type as described in Table 423.*56*A. The revenue devoted to affordable housing preservation and development shall be deposited into a specific amount to be held by the Mayor's Office of Housing.

A. All funds collected from projects in the Mission NCT that are earmarked for

affordable housing preservation and development shall be expended on housing programs and projects within the Mission Area Plan boundaries.

B. All funds collected from projects in the MUR that are earmarked for affordable housing preservation and development shall be expended on housing programs and projects shall be expended within the boundaries of 5th to 10th Streets/Howard to Harrison Streets.

C. Collectively, the first $10 million in housing fees collected between the two Designated Affordable Housing Zones shall be utilized for the acquisition and rehabilitation of existing housing.

(3) All funds are supported by the Eastern Neighborhoods Nexus Studies, San Francisco Planning Department, Case No. 2004.0160, and monitored according to the Eastern Neighborhoods Area Plans Monitoring Program required by the Administrative Code Section 10E and detailed by separate resolution.

TABLE 423.*56*

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE*

Improvement Type	Residential	Non-residential
Open space and recreational facilities	50%	7%
Transit, streetscape and public realm improvements	42%	90%
Community facilities (child care and library materials)	8%	3%

*Does not apply to Designated Affordable Housing Zones, which are addressed in Table 423.6A.

TABLE 423.*56*A

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

Improvement Type	Residential	Non-residential
Affordable housing preservation and development	75%	n/a
Open space and recreational facilities	13%	7%
Transit, streetscape and public realm improvements	10%	90%
Community facilities (child care and library materials)	2%	3%

(d) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of Section 423.1 et seq. that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3) beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) amount of fees collected and interest earned; (5) identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any interfund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

(e) A public hearing shall be held by the Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money

from the Fund for acquisition and development of property acquired for park use.

(f) The Planning Commission shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW, and the MTA, to develop agreements related to the administration of the improvements to existing public facilities and development of new public facilities within public rights-of-way or on any acquired public property, using such monies as have been allocated for that purpose at a hearing of the Board of Supervisors.

(g) The Planning Commission, based on findings from the Interagency Planning & Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(h) Within 60 days of receiving the Eastern Neighborhoods Capital Expenditure Evaluation Report as specified in Administrative Code Section 10E.2(c)7, the Office of the Controller shall assess whether funds collected from the Eastern Neighborhoods Impact Fee are being effectively utilized for capital projects serving the Eastern Neighborhoods, and whether such projects are successfully advancing towards implementation, as set forth in the abovementioned Section. Based on this assessment, the following shall occur:

(A) If the Controller determines that the funds have been effectively utilized as set forth in Section 10E.2(c)7 of the Administrative Code, the Controller shall issue an affirmative finding to the Board of Supervisors and the Planning Commission certifying that the intent of this aforementioned Section is being met. No further Controller action is necessary for purposes of this Subsection.

(B) If the Controller fails to issue the certification described in Subsection (h) (A) above or if the Controller determines that the fees are not being effectively utilized as set forth in Administrative Code Section 10E.2(c)7 and notifies the Board of Supervisors and Planning Commission of this determination, then the following shall occur:

(i) Any project specified below within the Eastern Neighborhoods Area Plan that has not already received final and effective approvals from the Planning Department, Zoning Administrator, and/or the Planning Commission, shall require a conditional use authorization, in addition to any other approvals necessary under the Planning Code:

(aa) Residential projects containing more than 10 new units that have not received issuance of their first site or building permit; or

(bb) Non-residential projects containing a net new addition or new construction of 10,000 square feet or more that have not received issuance of their first site or building permit.

(C) Elimination of interim conditional use requirement.

(i) At any time after the Controller has determined that Eastern Neighborhood impact fees are not being effectively utilized as set forth in Section 423.*5*~~6~~(h)(B) above, or fails to certify that they are being effectively utilized as set forth in Section 423.*5*~~6~~(h)(A), the Planning Department may provide the Controller with a newly updated or revised Eastern Neighborhoods Capital Expenditure Evaluation Report.

(ii) Within 60 days of receiving an updated or revised Report, the Office of the Controller shall determine whether funds collected from the Eastern Neighborhoods Public Benefit Fee are being effectively utilized for capital projects serving the Eastern Neighborhoods consistent with the intent of the Section 10E.*2(c)*~~7~~ of the Administrative Code.

(iii) If, on the basis of a new, updated or revised Eastern Neighborhoods Capital Expenditure Evaluation Report, the Controller determines that the development impact fees collected to date are being effectively utilized as set forth in Section 423.*5*~~6~~ (h)(A) above, any projects within the Eastern Neighborhoods Plan Area that required a conditional use authorization on an interim basis as set forth in Section 423.*5*~~6~~(h)(B) shall no longer require such conditional use authorization unless the underlying use requires conditional use

authorization independent of the requirements set forth in Section 423.56(i)(B).

SEC. 607.2. MIXED USE DISTRICTS.

Signs located in Mixed Use Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial

and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed Use districts, except in the South of Market General Advertising Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplate.** One nameplate, as defined in Section 602.12 of this Code, not

exceeding an area of two square feet, shall be permitted for each noncommercial use in Mixed Use Districts.

(e) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising signs are not allowed in the South of Market *and Downtown Residential* Mixed Use Districts, except in the Eastern Neighborhoods and South of Market General Advertising Special Sign District or where a permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

(1) **Chinatown Residential Neighborhood Commercial District.** No more than one general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) **Chinatown Visitor Retail and Chinatown Community Business Districts.** No more than one general advertising sign not exceeding 300 square feet in area or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower. If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the height of the adjacent wall, whichever is lower.

(A) Signs may be either nonilluminated or indirectly or directly illuminated.

(3) **South of Market General Advertising Special Sign District.** Within the area designated as a South of Market General Advertising Special Sign District, as described in Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following provisions shall apply to general advertising signs: (1) No more than two general advertising signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not exceed the standards established by Section 607(b) of this Code for roof signs lying within M Districts.

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) **Chinatown Residential Neighborhood Commercial District.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined

in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) **Chinatown Visitor Retail District.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches,

whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated, except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) **Chinatown Community Business District, Eastern Neighborhoods ~~and~~ South of Market Mixed Use Mixed Use Districts** *and the Downtown Residential Districts*.

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.**

(i) In districts other than the Urban Mixed Use District. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is

less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(ii) In the Urban Mixed Use District. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached for up to 50 feet of street frontage, and an additional one square foot per foot of street frontage thereafter; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 60 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of

entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10 of this Code.

(h) **Special Districts for Sign Illumination.** Signs in Mixed Use Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this Code.

(1) **Broadway District.** Along the main commercial frontage of Broadway between Wayne and Osgood.

(i) **Other Sign Requirements.** Within Mixed Use Districts, the following additional requirements shall apply:

(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk,

public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities or posted pursuant to the Police Code.

(2) **Maintenance.** Every business sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

(4) **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Valencia Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street. The commercial area provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-

scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new nonretail commercial uses. Parking is not required, and any new parking is required to be set back or below ground. Active, pedestrian-oriented ground floor uses are required.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required.

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL *TRANSIT* DISTRICT ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252,	40-X, 50-X. See Zoning Map. Additional 5' Height Allowed for Ground Floor Active

		260, 263.18, 270, 271	Uses in 40-X and 50-X
726.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
726.13 a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply. See § 145.4
726.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § 155(r)
726.14	Awning	§ 790.20	P § 136.1(a)
726.15	Canopy	§ 790.26	P § 136.1(b)
726.16	Marquee	§ 790.58	P § 136.1(c)
726.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)

726.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
726.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159—160, 166, 204.5	None required. Limits set forth in Section 151.1 §§
726.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
726.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
726.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
726.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Valencia Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
726.37	Residential Conversion	§§ 790.84, 207.7	C		
726.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
726.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
726.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		
726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		

726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial Service	§ 790.112	P		
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or Professional Service	§ 790.108	P	C	
726.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
726.57	Automotive Gas Station	§ 790.14			
726.58	Automotive Service Station	§ 790.17			
726.59	Automotive Repair	§ 790.15	C		
726.60	Automotive Wash	§ 790.18			
726.61	Automobile Sale or Rental	§ 790.12			
726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	

726.66	Storage	§ 790.117			
726.67	Video Store	§ 790.135	C	C	
726.68	Fringe Financial Service	§ 790.111	#	#	#
726.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
726.69A	Self-Service Specialty Food	§ 790.93	P		
726.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
726.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
726.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	§ 790.106			
726.80	Hospital or Medical Center	§ 790.44			
726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C
726.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES					
726.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in 145.4	P	P
726.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	No density limit § 207.4		
726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
726.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
726.94	Off-Street Parking, Residential	§§ 145.1, 150, 151.1, 153—157, 159—160, 166, 167, 204.5	Non required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
726.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District. Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 734.1. NCT-2 — SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT-2 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These Districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The District's form is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit

function. Residential parking is not required and generally limited. Commercial establishments are discouraged from building excessive accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

NCT-2 Districts are intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions.

SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL *TRANSIT* DISTRICT NCT-2

ZONING CONTROL TABLE

			NCT-2
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS			
734.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X
734.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
734.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply Geneva Avenue
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply NP: Geneva Avenue
734.14	Awning	§ 790.20	P § 136.1(a)
734.15	Canopy	§ 790.26	P § 136.1(b)
734.16	Marquee	§ 790.58	P § 136.1(c)
734.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

734.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) and (b)
734.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
734.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1
734.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
734.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
734.25	Drive-Up Facility	§ 790.30	
734.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
734.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
734.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
734.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
734.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§§ 790.84, 207.7	C	C	
734.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Non-Retail Sales and Services					
734.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
734.41	Bar	§ 790.22	P		
734.42	Full-Service Restaurant	§ 790.92	P		
734.43	Large Fast Food Restaurant	§ 790.90	C		
734.44	Small Self-Service Restaurant	§ 790.91	P		

734.45	Liquor Store	§ 790.55	P		
734.46	Movie Theater	§ 790.64	P		
734.47	Adult Entertainment	§ 790.36			
734.48	Other Entertainment	§ 790.38	P		
734.49	Financial Service	§ 790.110	P	C	
734.50	Limited Financial Service	§ 790.112	P		
734.51	Medical Service	§ 790.114	P	P	
734.52	Personal Service	§ 790.116	P	P	
734.53	Business or Professional Service	§ 790.108	P	P	
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
734.55	Tourist Hotel	§ 790.46	C	C	C
734.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
734.57	Automotive Gas	§ 790.14	C		

	Station				
734.58	Automotive Service Station	§ 790.17	C		
734.59	Automotive Repair	§ 790.15	C		
734.60	Automotive Wash	§ 790.18			
734.61	Automobile Sale or Rental	§ 790.12			
734.62	Animal Hospital	§ 790.6	C		
734.63	Ambulance Service	§ 790.2			
734.64	Mortuary	§ 790.62			
734.65	Trade Shop	§ 790.124	P	C	
734.66	Storage	§ 790.117			
734.67	Video Store	§ 790.135	C	C	
734.69	*Tobacco Paraphernalia Establishments*	*§ 790.123*	*C*		
734.69A	*Self-Service Specialty Food*	*§ 790.93*	*P*		
734.69B	*Amusement Game Arcade (Mechanical*	*§ 790.04*			

	Amusement Devices)				
734.69C	Neighborhood Agriculture	§ 102.35(a)	P		
734.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
734.70	Administrative Service	§ 790.106			
734.80	Hospital or Medical Center	§ 790.44			
734.81	Other Institutions, Large	§ 790.50	P	C	C
734.82	Other Institutions, Small	§ 790.51	P	P	P
734.83	Public Use	§ 790.80	C	C	C
734.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
734.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
734.91	Residential	§§ 207,	No residential density limit by lot area. Density restricted		

	Density, Dwelling Units	207.1, 790.88(a)	by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6		
734.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
734.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
734.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit., §§ 151.1, 166, 167, 145.1		
734.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 734.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.

SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the 6th Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving commercial development is required at the ground story, curb cuts are prohibited and ground floor transparency and fenestration adds to the activation of the ground story. While offices and general retail sales uses may locate on the second story or above of new buildings, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-ground parking is required to be setback or below ground. Active, pedestrian-oriented ground floor uses are required.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot or by density controls, but by bedroom counts. Given the area's central location and accessibility to the City's transit network, parking for residential and commercial uses is not required.

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			SoMa
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	See Zoning Map.
735.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
735.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
735.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply

735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
735.14	Awning	§ 790.20	P § 136.1(a)
735.15	Canopy	§ 790.26	P § 136.1(b)
735.16	Marquee	§ 790.58	P § 136.1(c)
735.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
735.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a), (b);
735.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
735.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1
735.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
735.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
735.25	Drive-Up Facility	§ 790.30	
735.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)

735.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
735.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
735.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
735.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	SoMa		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
735.37	Residential Conversion	§§ 790.84, 207.7	C	C	-
735.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
735.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
735.41	Bar	§ 790.22	C		

735.42	Full-Service Restaurant	§ 790.92	P		
735.43	Large Fast Food Restaurant	§ 790.90	C		
735.44	Small Self-Service Restaurant	§ 790.91	P		
735.45	Liquor Store	§ 790.55	C		
735.46	Movie Theater	§ 790.64	P		
735.47	Adult Entertainment	§ 790.36			
735.48	Other Entertainment	§ 790.38	NP		
735.49	Financial Service	§ 790.110	P	C	
735.50	Limited Financial Service	§ 790.112	P		
735.51	Medical Service	§ 790.114	P	P	
735.52	Personal Service	§ 790.116	P	P	
735.53	Business or Professional Service	§ 790.108	P	P	
735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
735.55	Tourist Hotel	§ 790.46	C	C	C
735.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C

735.57	Automotive Gas Station	§ 790.14	C		
735.58	Automotive Service Station	§ 790.17	C		
735.59	Automotive Repair	§ 790.15	C		
735.60	Automotive Wash	§ 790.18			
735.61	Automobile Sale or Rental	§ 790.12			
735.62	Animal Hospital	§ 790.6	C		
735.63	Ambulance Service	§ 790.2			
735.64	Mortuary	§ 790.62			
735.65	Trade Shop	§ 790.124	P	C	
735.66	Storage	§ 790.117			
735.67	Video Store	§ 790.135	P	P	
735.69	*Tobacco Paraphernalia Establishments*	*§ 790.123*	*C*		
735.69A	*Self-Service Specialty Food*	*§ 790.93*	*P*		
735.69B	*Amusement Game Arcade (Mechanical Amusement Devices)*	*§ 790.04*			
735.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
735.69D	Large-Scale Urban	§ 102.35(b)	C	C	C

	Agriculture				
Institutions and Non-Retail Sales and Services					
735.70	Administrative Service	§ 790.106			
735.80	Hospital or Medical Center	§ 790.44			
735.81	Assembly and Social Service	§ 790.50(a)	P	P	P
735.82	Other Institutions, Large, except Assembly and Social Service	§ 790.50(b) — (e)	C	C	C
735.83	Other Institutions, Small	§ 790.51	P	P	P
735.84	Public Use	§ 790.80	P	P	P
735.85	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
735.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
735.90A	Single-Room Occupancy (SRO) Unit	§ 890.88	P	P	P
735.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No density limit.		

735.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
735.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
735.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
735.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR *SOMA* NCT~~-2~~ DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 735.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10 p.m.

SEC. 736.1. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Mission Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and Cesar Chavez Street. The commercial area of this District provides a selection of goods serving the day-to-day needs of the residents of the Mission District. Additionally, this District serves a wider trade area with its specialized retail outlets. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours.

The District is extremely well-served by transit, including regional-serving BART stations at 16th Street and 24th Street, major buses running along Mission Street, and both cross-town and local-serving buses intersecting Mission along the length of this district. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required. Any new parking is required to be set back or be below ground.

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions.

SEC. 736. MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Mission Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

736.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
736.11	Lot Size [Per Development]	§§790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
736.12	Rear Yard	§§130, 134, 136	Required at residential levels only § 134(a)(e)
736.13	Street Frontage		Required § 145.1
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floor above § 145.1(c), (e)
736.13b	Street Frontage, Required Ground Floor Commercial		Required along Mission St. § 145.1 (d)
736.13c	Street Frontage, Parking and Loading access restrictions		NP along Mission St. § 155(r)
736.14	Awning	§ 790.20	P § 136.1(a)
736.15	Canopy	§ 790.26	P § 136.1(b)
736.16	Marquee	§ 790.58	P § 136.1(c)
736.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
736.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
736.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
736.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1 §§ 151.1, 166, 145.1
736.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
736.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
736.25	Drive-Up Facility	§ 790.30	NP
736.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
736.27	Hours of Operation	§ 790.48	No Limit
736.30	General Advertising Sign	§§ 262, 602-604, 608, 609	P § 607.1(e)2
736.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f)3
736.32	Other Signs	§§ 262, 602-604,	P § 607.1(c), (d), (g)

		608, 609	

No.	Zoning Category	§ References	Mission Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
736.37	Residential Conversion	§§ 790.84, 207.7	C	C	C
736.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
736.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
736.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	P
736.41	Bar	§ 790.22	P	P	
736.42	Full-Service Restaurant	§ 790.92	P	P	
736.43	Large Fast Food Restaurant	§ 790.90			
736.44	Small Self-Service	§ 790.91	C		

	Restaurant				
736.45	Liquor Store	§ 790.55			
736.46	Movie Theater	§ 790.64	P	P	
736.47	Adult Entertainment	§ 790.36	C	C	
736.48	Other Entertainment	§ 790.38	P	P	
736.49	Financial Service	§ 790.110	P	P	
736.50	Limited Financial Service	§ 790.112	P	P	
736.51	Medical Service	§ 790.114	P	P	P
736.52	Personal Service	§ 790.116	P	P	P
736.53	Business or Professional Service	§ 790.108	P	P	P
736.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	
736.55	Tourist Hotel	§ 790.46	C	C	C
736.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	NP	NP	NP

736.57	Automotive Gas Station	§ 790.14	C		
736.58	Automotive Service Station	§ 790.17	C		
736.59	Automotive Repair	§ 790.15	C	C	
736.60	Automotive Wash	§ 790.18	C		
736.61	Automobile Sale or Rental	§ 790.12	C		
736.62	Animal Hospital	§ 790.6	C	C	
736.63	Ambulance Service	§ 790.2	C		
736.64	Mortuary	§ 790.62	C	C	C
736.65	Trade Shop	§ 790.124	P	C	C
736.66	Storage	§ 790.117	NP	NP	NP
736.67	Video Store	§ 790.135	C	C	C
736.68	Fringe Financial	§ 790.111	#	#	#
736.69	*Tobacco Paraphernalia Establishments*	*§ 790.123*	*C*		
736.69A	*Self-Service Specialty Food*	*§ 790.93*	*C*		

736.69B	*Amusement Game Arcade (Mechanical Amusement Devices)*	*§ 790.04*	*C*		
736.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
736.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
736.70	Administrative Service	§ 790.106	C	C	C
736.80	Hospital or Medical Center	§ 790.44	C	C	C
736.81	Other Institutions, Large	§ 790.50	P	P	P
736.82	Other Institutions, Small	§ 790.51	P	P	P
736.83	Public Use	§ 790.80	C	C	C
736.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
736.90	Residential Use	§ 790.88	P, except C for frontages listed in	P	P

			145.4		
736.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
736.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
736.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
736.94	Off-Street Parking, Residential	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
736.95	Community Residential	§ 790.10, 145.1, 166	C	C	C

	Parking				

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§736.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit District. Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 736.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.

SEC. 781.5. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

In order to preserve the mix and variety of goods and services provided to the Mission neighborhood and City residents and prevent further proliferation of fast-food restaurant uses, and prevent further aggravation of parking and traffic congestion in this district, there shall be a Mission Street Fast-Food Subdistrict, generally applicable for the NC-3-zoned portion of Mission Street between *Cesar Chavez* ~~14th~~ and Randall Streets, as designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply within such subdistrict:

(a) A small self-service restaurant, as defined in Section 790.91 of this Code, is permitted as a conditional use on the first story and below only.

(b) A large fast-food restaurant, as defined in Section 790.90 of this Code, shall not be permitted in this subdistrict.

(c) The provisions of Sections 180 through 186.1 of this Code shall govern large fast-food restaurants which existed lawfully at the effective date of this Code in this subdistrict.

SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE DISTRICTS.

(a) **Use Categories.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern Neighborhood Mixed Use District and South of Market Mixed Use District is generally set forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through 843 of this Code for each district class.

(b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South of Market Mixed Use Districts are either permitted, conditional, accessory, temporary or are not permitted.

(1) **Permitted Uses.** If there are two or more uses in a structure, any use not classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) **Principal Uses.** Principal uses are permitted as of right in an Eastern Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated in Sections 813 through 818 and 840 through 843 of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.

(B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood Mixed Use District and South of Market Mixed Use District, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Sections

813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.~~8~~, and 803.5 through 803.9 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of Market Mixed Use District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined

in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses. Any use which does not qualify as an accessory use shall be classified as a principal use.

No use will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 157 of this Code;

(ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI, SSO, DTR, MUG, MUR, MUO, or UMU District;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty food store.

(iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

(D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts to the extent authorized by Sections 205 through 205.3 of this Code.

SEC. 803.8. HOUSING IN MIXED USE DISTRICTS.

(a) **Demolition or Conversion of Group Housing or Dwelling Units in South of Market Mixed Use Districts.** Demolition, or conversion to any other use, of a group housing unit or dwelling unit or any portion thereof, in any South of Market Mixed Use District shall be

allowed only subject to Section 233(a) and only if approved as a conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other provision of this Code. This provision shall extend to any premises whose current use is, or last use prior to a proposed conversion or demolition was, in fact as a group housing unit or dwelling unit as well as any premises whose legal use as shown in the records of the Bureau of Building Inspection is that of a group housing or dwelling unit.

(b) **Low-Income Affordable Housing Within the Service/Light Industrial District.** Dwelling units and SRO units may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided that such dwellings units shall be rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.

(1) "Affordable to a household" shall mean a purchase price that a lower income household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10-percent down payment, and available financing, or a rent that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of the combined annual net income.

(2) The size of the dwelling unit shall determine the size of the household in order to calculate purchase price or rent affordable to a household, as follows:

(A) For a one-bedroom unit, a household of two persons;

(B) For a two-bedroom unit, a household of three persons;

(C) For a three-bedroom unit, a household of four persons;

(D) For a four-bedroom unit, a household of five persons.

(3) No conditional use permit will be approved pursuant to this Subsection 803.8(b)

unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.

(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit an annual enforcement report to the City, along with a fee whose amount shall be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The annual report shall provide information regarding rents, mortgage payments, sales price and other housing costs, annual household income, size of household in each dwelling unit, and any other information the City may require to fulfill the intent of this Subsection.

(c) **Housing Requirement in the Residential/Service District.**

(1) **Amount Required.** Nonresidential uses subject to Sections 815.26, 815.28, 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in new construction in the Residential/Service District only if the ratio between the amount of occupied floor area for residential use to the amount of occupied floor area of the above-referenced nonresidential use is three to one or greater.

(2) **Means of Satisfying the Housing Requirement.** (A) Live/work units may satisfy the residential requirement pursuant to this Subsection and, when applicable, shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to $30 per square foot of residential space required by this Subsection and not provided on-site payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing; or (C) The residential space requirement may be satisfied by providing the required residential space elsewhere within the South of Market Mixed Use District where housing is permitted or

conditional and is approved as a conditional use.

(d) **Housing Requirement in the Mixed Use — Residential (MUR) District.** In *new construction in* the MUR District, three square feet of gross floor area for residential use is required for every one gross square foot of permitted nonresidential use, subject to Section 841 of this Code.

SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.

(a) **Preservation of Landmark Buildings, Significant or Contributory Buildings Within the Extended Preservation District and/or Contributory Buildings Within Designated Historic Districts within the South of Market Mixed Use Districts.** Within the South of Market Mixed Use District, any use which is permitted as a principal or conditional use within the SSO District, excluding nighttime entertainment use, may be permitted as a conditional use in (a) a landmark building located outside a designated historic district, (b) a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code and located within the Extended Preservation District. For all such buildings the following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

A contributory building which is in a designated historic district outside the SSO District may be converted to any use which is a principal use within the SSO District provided that: (1)

such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior to the issuance of any necessary permits the Zoning Administrator (a) determines that allowing the use will enhance the feasibility of preserving the contributory building; and (b) the contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

(b) **Preservation of Historic Buildings within the MUG, MUO, and MUR Districts**. The following controls are intended to support the economic viability of buildings of historic importance within the MUG, MUO, and MUR Districts.

(1) This subsection applies only to buildings that are a designated landmark building or a contributory building within a designated historic district per Article 10 of the Planning Code, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(2) All uses are permitted as of right, provided that:

(A) The project does not contain ~~*office uses of 25,000 square foot or more per lot, or*~~ nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9

~~*(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, and with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.*~~

(3)~~(4)~~ The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

(c) **Preservation of Historic Buildings within and UMU Districts.** The following rules are intended to support the economic viability of buildings of historic importance within the UMU District.

(1) This subsection applies only to buildings that are a designated landmark building, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(2) All uses are permitted as of right, provided that:

(A) The project does not contain ~~*office uses of 25,000 square foot or more per lot, or*~~ nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9

~~*(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.*~~

(3)~~(4)~~ The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

(d) **Automated Bank Teller Machines Within South of Market Districts.** All

automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources and shall be set back three feet from the front property line.

(e) **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open air sales of new or used merchandise except vehicles, within South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject to the following requirements: (1) the sale of goods and the presence of booths or other accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided on-site and adequately maintained; and (3) the site and vicinity shall be maintained free of trash and debris.

(f) **Legal and Government Office Uses in the Vicinity of the Hall of Justice.** Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the offices of attorneys, bail and services, government agencies, union halls, and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed on the property limiting office activities to uses permitted by this Subsection.

(g) **Work Space of Design Professionals.** The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions: (1) The occupied floor area devoted to this use per building is limited to the third story or above; (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment; (3) The space within the building subject to this

provision has not been in residential use within a legal dwelling unit at any time within a five-year period prior to application for conversion under this Subsection; and (4) The owner(s) of the building comply with the following enforcement and monitoring procedures; (i) The owner(s) of any building with work space devoted to design professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The report shall provide information regarding occupants of such space, the amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for design professionals authorized by this Subsection.

(h) **Vertical Controls for Office Uses.**

(1) **Purpose.** In order to preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including limited amounts of office space on upper stories, additional vertical zoning controls shall govern office uses as set forth in this Section.

(2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU Districts, where permitted.

(3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

(4) **Controls.**

(A) **Designated Office Story or Stories.** Office uses are not permitted on the ground floor, *except as specified in Sections 840.65A and 843.65A*. Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted. *When an office use is permitted on the ground floor per Sections 840.065A and 843.65A, it shall not be considered a designated office story for the purposes of Subsection D below.*

(B) **Timing of designation.** In the case of new construction, any designated office story or stories shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings that were constructed prior to the effective date of this Section, any such story or stories shall be designated prior to the issuance of any building permit for new or expanded office uses or along with any associated Planning Commission action, whichever occurs first.

(C) **Recordation of designation.** Notice of the designation of office stories shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story or stories in relation to the balance of the building. A designated office story may only be re-allocated when the designated office story is first returned to a permitted non-office use and associated building modifications to the designated office story are verified by the Zoning Administrator.

(D) **Maximum Number of Designated Stories.** The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in

the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

Table 803.9(h)

Total Number of Stories	Maximum Number of Designated Office Stories
1-story	0 stories (office use NP)
2—4 stories	1-story
5—7 stories	2-stories
8 or more stories	3-stories

(E) For projects with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in 329(d)(8).

(i) **Retail Controls in the MUG, MUO, and UMU Districts.** In the MUG, MUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.11~~0~~4 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of other uses permitted in that District are required for every one gross square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from this requirement.

SEC. 814. SPD — SOUTH PARK DISTRICT.

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential

activities within this unique neighborhood. The district is characterized by small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, family-sized housing units, and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

Table 814

SPD — SOUTH PARK DISTRICT ZONING CONTROL TABLE

			South Park District
No.	Zoning Category	§ References	Controls
814.01	Height	§§ 260 - 263	See Sectional Zoning Map 1
814.02	Bulk	§§ 270 - 272	See Sectional Zoning Map 1
814.03	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
814.04	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio

814.06	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, 54 sq. ft. per unit if publicly accessible
814.07	Usable Open Space for Other Uses	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
814.08	Setbacks	§§ 136, 136.2, 144, 145.1	Generally required
814.09	Outdoor Activity Area	§ 890.71	P
814.10	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
814.11	Off-Street Parking, Non-Residential	150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
814.12	Residential Conversion	§ 803.8(a)	C
814.13	Residential Demolition	§ 803. 8(a)	C
Residential Use			
814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
814.16	SRO Units	§ 890.88(c)	P
814.16 (a)	Student Housing	§ 315.1(38)	C
Institutions			

814.17	Hospital, Medical Centers	§ 890.44	NP
814.18	Residential Care	§ 890.50(e)	C
814.19	Educational Services	§ 890.50(c)	NP
814.20	Religious Facility	§ 890.50(d)	C
814.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
814.22	Child Care	§ 890.50(b)	P
814.23	Medical Cannabis Dispensary	§ 890.133	P #
Vehicle Parking			
814.25	Automobile Parking Lot, Community Residential	§ 890.7	NP
814.26	Automobile Parking Garage, Community Residential	§ 890.8	NP
814.27	Automobile Parking Lot, Community Commercial	§ 890.9	NP
814.28	Automobile Parking Garage, Community Commercial	§ 890.10	NP
814.29	Automobile Parking Lot, Public	§ 890.11	NP
814.30	Automobile Parking Garage, Public	§ 890.12	NP
Retail Sales and Services			

814.31	All Retail *Sales and Services*, Except for Bars and Liquor Stores-	§§ 890.104 *890.116*	P up to 5,000 sf per lot
814.32	Bars	§ 890.22	C up to 5,000 sf per lot
814.33	Liquor Stores	§ 790.55	C up to 5,000 sf per lot
Assembly, Recreation, Arts and Entertainment			
814.37	Nighttime Entertainment	§ 102.17, 803.5(b)	NP
814.38	Meeting Hall, not falling within Category 814.21	§ 221(c)	C
814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
814.40	Pool Hall, Card Club, not falling within Category 890.50(a)	§ 221(f)	NP
Home and Business Service			
814.42	Trade Shop	§ 890.124	P
814.43	Catering Services	§ 890.25	P
814.45	Business Goods and Equipment Repair Service	§ 890.23	P
814.46	Arts Activities, other than Theaters	§ 102.2	P
814.47	Business Services	§ 890.111	P

Office			
814.49	Offices in historic buildings	§ 803.9(*ba*)	P
814.50	All Other Office Uses	§§ 890.70, 890.118	P
Live/Work Units			
814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)	NP
Automotive			
814.57	Vehicle Storage—Open Lot	§ 890.131	NP
814.58	Vehicle Storage—Enclosed Lot or Structure	§ 890.132	NP
814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20	NP
814.60	Motor Vehicle Repair	§ 890.15	NP
814.61	Motor Vehicle Tow Service	§ 890.19	NP
814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
814.63	Public Transportation Facilities	§ 890.80	NP
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P

814.65	Light Manufacturing	§ 890.54(a)	P
814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§§ 225, 226	NP
814.67	Storage	§ 890.54(c)	NP
814.67 (a)	Laboratory	§ 890.52	NP
Other Uses			
814.68	Animal Services	§ 224	NP
814.69	Open Air Sales	§§ 803. 9(e), 890.38	P
814.70	Ambulance Service	§ 890.2	NP
814.71	Open Recreation and Horticulture	§ 209.5	P
814.72	Public Use, except Public Transportation Facility	§ 890.80	C
814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
814.75	Mortuary Establishment	§ 227(c)	NP
814.76	General Advertising Sign	§ 607.2(b) &	NP

		(e) and 611	
814.78	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
814.79	Automated Bank Teller Machine	§ 803.9(d)	NP
814.80	Integrated PDR	§ 890.49	P in applicable buildings

SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 814.23 § 890.133		— Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of Federal, State or local law, may apply for a medical cannabis dispensary permit in a South Park District.
814.33	§§ 249.35, 890.113	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

SEC. 840. MUG — MIXED USE-GENERAL DISTRICT.

The Mixed Use — General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial,

wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

~~*Hotels, n*~~Nighttime entertainment, ~~*movie theaters,*~~ adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840

MUG — MIXED USE — GENERAL

DISTRICT ZONING CONTROL TABLE

			Mixed Use — General District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
840.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, §261.1 Non-habitable vertical projections permitted, § 263.20

840.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
840.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
840.04	Setbacks	§§ *134,* 136, 136.2, 144, 145.1	Generally required
840.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
840.06	Parking and Loading Access: Prohibition	§ 155(r)	None
840.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
840.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
840.09	Residential to non-residential ratio	§ 803.8(e)	None
840.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1

840.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible
840.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
840.13	Outdoor Activity Area	§ 890.71	P
840.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
840.20	Dwelling Units	§ 102.7	P
840.21	Group Housing	§ 890.88(b)	P
840.22	SRO Units	§ 890.88(c)	P
840.23	Student Housing	§ 315.1(38)	C
840.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
840.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
840.26	Affordability Requirements	§ 315	15% onsite/20% off-site
840.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317

Institutions			
840.30	Hospital, Medical Centers	§ 890.44	NP
840.31	Residential Care	§ 890.50(e)	C
840.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P for all other
840.33	Religious Facility	§ 890.50(d)	C
840.34	Assembly and Social Service	§ 890.50(a)	P
840.35	Child Care	§ 890.50(b)	P
840.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
840.40	Automobile Parking Lot	§§ 890.7 890.9, 890.11	NP
840.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
Retail Sales and Services			
840.45	All Retail Sales and Services which are not listed below	§§ 890.104, *890.116,* 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.
840.46	Formula Retail	§ 803.6	C. If approved, subject to size controls

			in Section 840.45.
840.47	Bar	§ 890.22	C. If approved, subject to size controls in Section 840.45.
840.48	Liquor Store	§ 790.55	C. If approved, subject to size controls in Section 840.45.
840.49	Ambulance Service	§§ 890.2, 840.45	C. If approved, subject to size controls in Section 840.45.
840.50	Self-Storage	§ 890.54(d)	NP
840.51	Tourist Hotel	890.46	C
~~*840.52*~~	~~*Services, Professional; Services Financial; Services Medical*~~	~~*§§ 890.108, 890.110, 890.114*~~	~~*P, when primarily open to the general public on a retail basis; subject to the use size limits in Section 840.45.*~~
Assembly, Recreation, Arts and Entertainment			
840.55	Arts Activity	§ 102.2	P
840.56	Nighttime Entertainment	§§ 102.17, 181(f) 803.5(b)	NP
840.57	Adult Entertainment	§ 890.36	NP
840.58	Amusement Arcade	§ 890.4	NP
840.59	Massage Establishment	§ 890.60	NP
840.60	Movie Theater	§ 890.64	P, up to three screens

840.61	Pool Hall not falling within Category 890.50(a)	§221 (f)	C
840.62	Recreation Building, not falling within Category 840.~~3421~~	§ 221(e)	P
Office			
840.65	Office Uses in Landmark Buildings in Historic Districts	§§ 890.70, 803.9(~~ba~~)	P
840.65A	*Services, Professional; Services Financial; Services Medical*	*§§ 890.108, 890.110, 890.114*	*Subject to vertical control of Sec. 803.9(h). P on the ground floor when primarily open to the general public on a client-oriented basis.*
840.66	All Other Office Uses	§§ 803.9(h), 890.70, 890.118	Subject to vertical control of Sec. 803.9(h)
840.67	Live/Work Units	§ 233	NP
Motor Vehicle Services			
840.70	Vehicle Storage—Open Lot	§ 890.131	NP
840.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
840.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P

840.73	Motor Vehicle Repair	§ 890.15	P
840.74	Automobile Tow Service	§ 890.19	C
840.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
Industrial, Home, and Business Service			
840.78	Wholesale Sales	§ 890.54(b)	P
840.79	Light Manufacturing	§ 890.54(a)	P
840.80	Trade Shop	§ 890.124	P
840.81	Catering Service	§ 890.25	P
840.82	Business Goods and Equipment Repair Service	§ 890.23	P
840.83	Business Service	§ 890.111	P
840.84	Commercial Storage	§ 890.54(c)	P
840.85	Laboratory, life science	§ 890.53~~(a)~~	NP
840.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53~~(a)~~	P
840.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P
840.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
840.90	Mortuary Establishment	§ 227(c)	NP

840.91	Animal Services	§ 224	NP
840.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
840.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
840.94	Internet Services Exchange	§ 209.6(c)	NP
840.95	Public Transportation Facilities	§ 890.80	P
840.96	Open Air Sales	§§ 803.9(c), 890.38	P
840.97	Open Recreation and Horticulture	§ 209.5	P
840.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

SEC. 841. MUR—MIXED USE—RESIDENTIAL DISTRICT.

The Mixed Use — Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.

The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is

also designed to encourage the expansion of retail, business service and commercial and cultural arts activities.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, ~~movie theaters,~~ adult entertainment and heavy industrial uses are not permitted. Office is *limited by residential-to-non residential ratio in new construction*~~restricted to the upper floors of multiple story buildings~~.

Table 841

MUR — MIXED USE — RESIDENTIAL DISTRICT

ZONING CONTROL TABLE

			Mixed Use — Residential District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
841.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
841.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2
841.03	Non-residential density limit	§§ 102.9, 123,	Generally contingent upon permitted

		124, 127	height, per Section 124
841.04	Setbacks	§§ *134,* 136, 136.2, 144, 145.1	Generally required
841.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
841.06	Parking and Loading Access: Prohibition	§ 155(r)	None
841.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
841.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
841.09	Residential to non-residential ratio	§ 803.8(*de*)	3 sq.ft. of residential for every 1 sq.ft. of other permitted use
841.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
841.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
841.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
841.13	Outdoor Activity Area	§ 890.71	P

841.14	General Advertising Sign	§ 607.2(b) & (e) and 611	NP
Residential Uses			
841.20	Dwelling Units	§ 102.7	P
841.21	Group Housing	§ 890.88(b)	P
841.22	SRO Units	§ 890.88(c)	P
841.23	Student Housing	§ 315.1(38)	C
841.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit within
841.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
841.26	Affordability Requirements	§ 315	15% onsite/20% off-site
841.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
Institutions			
841.30	Hospital, Medical Centers	§ 890.44	NP
841.31	Residential Care	§ 890.50(e)	C
841.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P

			for all other
841.33	Religious Facility	§ 890.50(d)	P
841.34	Assembly and Social Service	§ 890.50(a)	P
841.35	Child Care	§ 890.50(b)	P
841.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
841.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
841.41	Automobile Parking Garage	§§ 145.1, 145.4, 155(r), 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
Retail Sales and Services			
841.45	All Retail Sales and Services which are not listed below	§§ 890.104, *890.116,* 121.6	P
841.46	Formula Retail	§ 803.6	P
841.47	Ambulance Service	§ 890.2	C
841.48	Self-Storage	§ 890.54(d)	NP
841.49	Tourist Hotel	890.46	NP
Assembly, Recreation, Arts and Entertainment			

841.55	Arts Activity	§ 102.2	P
841.56	Nighttime Entertainment	§§ 102.17, 181(f) 803.5(b)	NP
841.57	Adult Entertainment	§ 890.36	NP
841.58	Amusement Arcade	§ 890.4	NP
841.59	Massage Establishment	§ 890.60	NP
841.60	Movie Theater	§ 890.64	P, up to three screens
841.61	Pool Hall not falling within Category 890.50(a)	§221 (f)	P
841.62	Recreation Building, not falling within Category 841.~~3421~~	§ 221(e)	P
Office			
841.65	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§§ 890.70, 803.9(~~ba~~)	P
841.66	All Other Office Uses	§§ 890.70, 890.118	P
841.67	Live/Work Units	§ 233	NP
Motor Vehicle Services			
841.70	Vehicle Storage—Open Lot	§ 890.131	NP

841.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
841.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
841.73	Motor Vehicle Repair	§ 890.15	P
841.74	Automobile Tow Service	§ 890.19	C
841.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
Industrial, Home, and Business Service			
841.78	Wholesale Sales	§ 890.54(b)	P
841.79	Light Manufacturing	§ 890.54(a)	P
841.80	Trade Shop	§ 890.124	P
841.81	Catering Service	§ 890.25	P
841.82	Business Goods and Equipment Repair Service	§ 890.23	P
841.83	Business Service	§ 890.111	P
841.84	Commercial Storage	§ 890.54(c)	P
841.85	Laboratory, life science	§ 890.53~~(a)~~	NP
841.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53~~(a)~~	P
841.87	Non-Retail Greenhouse or Plant	§ 227(a)	P

	Nursery		
841.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
841.90	Mortuary Establishment	§ 227(c)	NP
841.91	Animal Services	§ 224	P
841.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
841.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
841.94	Internet Services Exchange	209.6(c)	NP
841.95	Public Transportation Facilities	§ 890.80	P
841.96	Open Air Sales	§§ 803.9(c), 890.38	P
841.97	Open Recreation and Horticulture	§ 209.5	P
841.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

SEC. 842. MUO — MIXED USE — OFFICE DISTRICT.

The Mixed Use — Office (MUO) runs predominantly along the 2nd Street corridor in the

South of Market area. The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Large hotel, adult entertainment and heavy industrial uses are not permitted.

Table 842

MUO — MIXED USE — OFFICE DISTRICT

ZONING CONTROL TABLE

			Mixed Use — Office District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
842.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
842.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2

842.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
842.04	Setbacks	§§ *134,* 136, 136.2, 144, 145.1	Generally required
842.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
842.06	Parking and Loading Access: Prohibition	§ 155(r)	4th Street between Bryant and Townsend Streets
842.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
842.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
842.09	Residential to non-residential ratio	§ 803.8(e)	None
842.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
842.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
842.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee

842.13	Outdoor Activity Area	§ 890.71	P
842.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
842.20	Dwelling Units	§ 102.7	P
842.21	Group Housing	§ 890.88(b)	P
842.22	SRO Units	§ 890.88(c)	P
842.23	Student Housing	§ 315.1(38)	C
842.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
842.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
842.26	Affordability Requirements	§ 315	15% onsite/20% off-site
842.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
Institutions			
842.30	Hospital, Medical Centers	§ 890.44	P
842.31	Residential Care	§ 890.50(e)	C

842.32	Educational Services	§ 890.50(c)	P
842.33	Religious Facility	§ 890.50(d)	P
842.34	Assembly and Social Service	§ 890.50(a)	P
842.35	Child Care	§ 890.50(b)	P
842.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
842.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
842.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
Retail Sales and Services			
842.45	All Retail Sales and Services which are not listed below	§§ 890.104, *890.116,* 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.
842.46	Formula Retail	§ 803.6	P
842.47	Ambulance Service	§ 890.2	C
842.48	Self-Storage	§ 890.54(d)	NP
842.49	Tourist Hotel	§ 890.46	C if less than 75 rooms

Assembly, Recreation, Arts and Entertainment			
842.55	Arts Activity	§ 102.2	P
842.56	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	C
842.57	Adult Entertainment	§ 890.36	NP
842.58	Amusement Arcade	§ 890.4	NP
842.59	Massage Establishment	§ 890.60	NP
842.60	Movie Theater	§ 890.64	P, up to three screens
842.61	Pool Hall not falling within Category 890.50(a)	§221(f)	P
842.62	Recreation Building, not falling within Category 842.~~3421~~	§ 221(e)	P
Office			
842.65	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§§ 890.70, 803.9(~~b~~a)	P
842.66	All Other Office Uses	§ 890.70	P
842.67	Live/Work Units	§ 233	NP
Motor Vehicle Services			
842.70	Vehicle Storage—Open Lot	§ 890.131	NP

842.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
842.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
842.73	Motor Vehicle Repair	§ 890.15	P
842.74	Automobile Tow Service	§ 890.19	C
842.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
Industrial, Home, and Business Service			
842.78	Wholesale Sales	§ 890.54(b)	P
842.79	Light Manufacturing	§ 890.54(a)	P
842.80	Trade Shop	§ 890.124	P
842.81	Catering Service	§ 890.25	P
842.82	Business Goods and Equipment Repair Service	§ 890.23	P
842.83	Business Service	§ 890.111	P
842.84	Commercial Storage	§ 890.54(c)	P
842.85	Laboratory, life science	§ 890.53~~(a)~~	P
842.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53~~(a)~~	P
842.87	Non-Retail Greenhouse or Plant	§ 227(a)	P

	Nursery		
842.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
842.90	Mortuary Establishment	§ 227(c)	NP
842.91	Animal Services	§ 224	P
842.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
842.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
842.94	Internet Services Exchange	§ 209.6(c)	C
842.95	Public Transportation Facilities	§ 890.80	P
842.96	Open Air Sales	§§ 803.9(c), 890.38	P
842.97	Open Recreation and Horticulture	§ 209.5	P
842.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

SEC. 843. UMU — URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while

maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

Table 843

UMU — URBAN MIXED USE DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Urban Mixed Use District Controls
Building and Siting Standards			
843.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
843.02	Bulk Limit	See Zoning	As shown on Sectional Maps 1 and 7 of

		Map, §§ 270, 270.1, 270.2	the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
843.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
843.04	Setbacks	§§ *134,* 136, 136.2, 144, 145.1	Generally required
843.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
843.06	Parking and Loading Access: Prohibition	§ 155(r)	None
843.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
843.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
843.09	Residential to non-residential ratio	§ 803.8(e)	None
843.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-	None required. Limits set forth in Section 151.1

		157, 204.5	
843.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
843.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
843.13	Outdoor Activity Area	§ 890.71	P
843.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
843.20	Dwelling Units	§ 102.7	P
843.21	Group Housing	§ 890.88(b)	P
843.22	SRO Units	§ 890.88(c)	NP
843.23	Student Housing	§ 315.1(38)	C
843.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
843.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
843.26	Affordability Requirements	§ 319	Varies- see Section 319
843.27	Residential Demolition or	§ 317	Restrictions apply; see criteria of Section

	Conversion		317
Institutions			
843.30	Hospital, Medical Centers	§ 890.44	NP
843.31	Residential Care	§ 890.50(e)	C
843.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P for all other
843.33	Religious Facility	§ 890.50(d)	P
843.34	Assembly and Social Service	§ 890.50(a)	P
843.35	Child Care	§ 890.50(b)	P
843.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
843.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
843.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
Retail Sales and Services			
843.45	All Retail Sales and Services which are not listed below	§§ 890.104, *890.116,* 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross

			sq.ft. per use; C over 4,000 gross sq.ft. per use.
843.46	Formula Retail	§§ 803.6, 843.45	C. If approved, subject to size controls in Section 843.45.
843.47	Ambulance Service	§ 890.2	C
843.48	Self-Storage	§ 890.54(d)	NP
843.49	Tourist Hotel	§ 890.46	NP
~~843.50~~	~~Services, Professional; Services Financial; Services Medical~~	~~§§ 890.108, 890.110, 890.114~~	~~P, when primarily open to the general public on a retail basis; subject to the use size limits in Section 843.45.~~
843.51	Gyms	§§ 218(d), 803.9(i)	P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(i).
Assembly, Recreation, Arts and Entertainment			
843.55	Arts Activity	§ 102.2	P
843.56	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	P
843.57	Adult Entertainment	§ 890.36	C
843.58	Amusement Arcade	§ 890.4	P
843.59	Massage Establishment	§ 890.60	NP

843.60	Movie Theater	§ 890.64	P, up to three screens
843.61	Pool Hall not falling within Category 890.50(a)	§221(f)	P
843.62	Recreation Building, not falling within Category 843.~~3421~~	§ 221(e)	P
Office			
843.65	Office Uses in Landmark Buildings	§§ 890.70, 803.9(~~c~~)	P
843.65A	*Services, Professional; Services Financial; Services Medical*	*§§ 890.108, 890.110, 890.114*	*Subject to vertical control of Sec. 803.9(h). P on the ground floor when primarily open to the general public on a client-oriented basis.*
843.66	All Other Office Uses	§§ 803.9(h), 890.70, 890.118	Subject to vertical control of Sec. 803.9(h)
843.67	Live/Work Units	§ 233	NP
Motor Vehicle Services			
843.70	Vehicle Storage—Open Lot	§ 890.131	NP
843.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
843.72	Motor Vehicle Service Station	§ 890.18	P
843.73	Motor Vehicle Repair	§ 890.15	P

843.74	Automobile Tow Service	§ 890.19	C
843.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
843.76	Automobile Sale or Rental	§ 890.13	P; subject to size controls in Section 843.45.
843.77	Automotive Wash	§ 890.20	C
Industrial, Home, and Business Service			
843.78	Wholesale Sales	§ 890.54(b)	P
843.79	Light Manufacturing	§ 890.54(a)	P
843.80	Trade Shop	§ 890.124	P
843.81	Catering Service	§ 890.25	P
843.82	Business Goods and Equipment Repair Service	§ 890.23	P
843.83	Business Service	§ 890.111	P
843.84	Commercial Storage	§ 890.54(c)	P
843.85	Laboratory, life science	§890.53~~(a)~~	NP
843.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53~~(a)~~	P
843.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P

843.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
843.90	Mortuary Establishment	§ 227(c)	NP
843.91	Animal Services	§ 224	P
843.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
843.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
843.94	Internet Services Exchange	209.6(c)	NP
843.95	Public Transportation Facilities	§ 890.80	P
843.96	Open Air Sales	§§ 803. 9(c), 890.38	P
843.97	Open Recreation and Horticulture	§ 209.5	P
843.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) Contains at least the following amount of PDR activities:

(A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall contain PDR activities; or

(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;

(2) Does not include residential activities;

(3) The remaining space may contain any non-residential use permitted in the MUO District as long as:

(A) Retail space is limited to 1/3 of the total space; and

(B) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;

(4) For purposes of this definition, PDR activities are those that:

(A) Are generally consistent with Code Sections 220, ~~and~~ 222, *223, 224, 225, 226,* ~~through~~ 227*(a), 227(b), and 227(p)* or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

(B) Are not:

(i) Residential (as defined in Section. 890.88);

(ii) Retail *and personal services* (as defined in Sections 890.102, ~~and~~ 890.104, *and 890.116*);

(iii) Institutional (as defined in Section 890.50);

(iv) Office (as defined in Section 890.70);

(v) Laboratory (as defined in Section 890.52); or

(vi) Storage (as defined in Sec. 890.54(c));

(C) May include any non-office uses that integrate multimedia, information technology, or software development functions;

(D) Do not include typical office support functions; and

(E) Occur in space specifically designed to accommodate the industrial nature of the PDR activities.

(5) Any retail space contained within the Integrated PDR use shall not count against any per-parcel retail limits of the subject zoning district.

(b) Integrated PDR uses are subject to the following requirements:

(1) These uses are only permitted in buildings:

(A) That were constructed before 1951 which were at least three stories in height above grade, excluding those building features listed in Section 260(b) and related structures, as of the effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08 and 0300-08; or

(B) For which a first certificate of occupancy was issued after the effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08, and 0300-08;

(2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property containing an Integrated PDR use. The Planning Department shall forward a copy of each NSR to the Mayor's Office of Economic and Workforce Development, or a successor office, for purposes of record keeping and monitoring. This NSR shall include a copy of the use provisions of this Section and also require that the property owner:

(A) Ensure that all new Integrated PDR tenants and/or occupants register with the Office of Economic and Workforce Development's PDR Program. The purpose of this registration is to confirm the accuracy of each tenant's or occupant's NAICS code on their Business Registration and Payroll Tax forms, collect basic information on the nature of each tenant's or occupant's business, including the total number of employees to inform the tenant

or occupant of available tax credits and other benefits of the state and local Enterprise Zone program; and to determine, to the extent possible, the total number of employees that reside within the City and are eligible to receive State Enterprise Zone tax credits ("IPDR Disadvantaged Employees"); and

(B) Report annually to the Planning Department staff on any reallocation of space within an Integrated PDR space.

(c) Integrated PDR uses are not subject to the annual office limit controls of Sections 320-324.

SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.

A commercial use, including light manufacturing, wholesale sales, and storage, as defined in Subsections (a), (b), (c), and (d) below.

(a) **Light Manufacturing.** A nonretail use which provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

(1) Food processing, not including mechanized assembly line production of canned or bottled goods;

(2) Apparel and other garment products;

(3) Furniture and fixtures;

(4) Printing and publishing of books or newspaper;

(5) Leather products;

(6) Pottery;

(7) Glass blowing;

(8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.

It shall not include the chemical processing of materials or the use of any machine that has more than five horsepower capacity, nor shall the mechanical equipment required for the use, together with related floor space used primarily by the operators of such equipment, in aggregate occupy more than ¼ of the total gross floor area of the use.

It shall be not include a trade shop, as defined in Section 890.124 of this Code, or a heavy industrial use subject to Section 226(e) through (w) of this Code. It shall not include general or heavy manufacturing uses, not described in this Subsection (a).

(b) **Wholesale Sales.** A nonretail use which exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a nonaccessory storage warehouse.

(c) **Commercial Storage.** A commercial use which stores, within an enclosed building, ~~*household goods,*~~ contractors' equipment, building materials or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

(d) **Self-Storage.** Retail facilities for the storage of household and personal goods.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110786 **Date Passed:** September 27, 2011

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1.

September 12, 2011 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

September 12, 2011 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 20, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

September 27, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110786

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/27/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

10/4/11
Date Approved

Houchen
Binders Ltd